Government of Canada
Gouvernement du Canada

CONVENTION ON THE RIGHTS OF THE CHILD

Second report of Canada

covering the period
January 1993 to December 1997

Canada

FOREWORD

The *Convention on the Rights of the Child* was adopted by the United Nations General Assembly on November 20, 1989. Canada ratified the Convention on December 13, 1991.

States Parties are required to report to the (UN) Committee on the Rights of the Child on measures they have taken to give effect to the Convention. The present report was submitted to the UN on April 26, 2001, and generally covers the period of January 1993 to December 1997. It was prepared in close collaboration by the federal, provincial and territorial governments and describes measures and initiatives taken by these governments with respect to the Convention.

The report is published in Canada as part of the ongoing program of the Aboriginal Peoples' and Human Rights Programs Directorate of the Department of Canadian Heritage to increase awareness of human rights issues. Copies of the report, in both official languages, may be obtained free of charge from the Human Rights Program in Hull, or any regional office of the Department throughout Canada. This report is also available on the Human Rights Program website at: www.pch.gc.ca/ddp-hrd/.

Human Rights Program
Aboriginal Peoples' and Human Rights
Programs Directorate
Department of Canadian Heritage
15-7-B
Hull QC K1A 0M5
Tel: 819-994-3458
Fax: 819-994-5252
Email: rights-droits@pch.gc.ca

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INTRODUCTION

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1. Canada ratified the *Convention on the Rights of the Child* on December 13, 1991. This document constitutes the second report submitted by Canada under the terms of the *Convention on the Rights of the Child*. The document covers, in the main, the period of January 1993 to December 1997. Occasional exceptions to the review period do occur and are identified.

2. Canada is a federal state comprised of ten provinces (Alberta, British Columbia, Manitoba, New Brunswick, Newfoundland, Nova Scotia, Ontario, Prince Edward Island, Québec and Saskatchewan) and two territories[1] (Northwest Territories and Yukon). While the ratification of international treaties is the prerogative of the Government of Canada, implementation of the treaties requires the active participation of the governments which have jurisdiction over the subject matters covered. In Canada, the responsibility for areas covered by the *Convention on the Rights of the Child* is shared by the Government of Canada, the provincial governments and, following a delegation of authority by the Parliament of Canada, the territorial governments.

3. The present report contains information on measures adopted by the Government of Canada and the provincial and territorial governments within the stated period.

4. Throughout the report, references to Aboriginal children include children with Indian status under the *Indian Act*, non-status Indian children, and Métis and Inuit children. The phrase "Aboriginal children" is used rather than "indigenous children", because the Constitution of Canada refers to the Aboriginal peoples of Canada.

5. Federal, provincial and territorial ministers responsible for human rights, and their officials, maintain ongoing liaison and information exchanges with respect to the implementation of international human rights instruments, including the Convention, through a mechanism known as the (federal-provincial-territorial) Continuing Committee of Officials on Human Rights.

6. As with other human rights instruments, the Continuing Committee will keep provincial and territorial governments apprised of any comments that the Committee on the Rights of the Child may make on the scope of the rights guaranteed by the present Convention.

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[1] A third territory, Nunavut, came into existence on April 1, 1999.

PART I: MEASURES ADOPTED BY THE GOVERNMENT OF CANADA

I. General Measures of Implementation

A. Implementation by States – Article 4

7. The *Convention on the Rights of the Child* plays an important role in the development and implementation of children's rights in Canada. From 1993 to 1997, the Government of Canada introduced numerous measures to enhance the well-being of children. During this time, the Convention influenced Government of Canada policy strategies, action plans, and initiatives. It affected judicial decisions concerning the *Canadian Charter of Rights and Freedoms*, relevant legislation and the common law. The Convention has been specifically considered in legislative developments in the areas of child prostitution, child sex tourism, criminal harassment and female genital mutilation, as well as in the ongoing renewal of youth justice.

8. In the early and mid-1990s, Canada's public finances were threatened by budget deficits and a high national debt. This situation represented a risk to social programs and the quality of life of Canadians. The Government of Canada has undertaken measures to restore Canada's fiscal security by reviewing public expenditures and establishing targets for the reduction of budget deficits. Through the efforts of all Canadians, the Government of Canada has achieved its deficit reduction targets, and is now able to consider and implement re-investments of public expenditures in areas of concern for Canadians. In this way, the decisions made by the government after 1997 follow the policies pursued during the 1993 to 1997 period.

9. Despite the difficult fiscal situation described above, the 1993 to 1997 period witnessed the development of a number of important initiatives on the part of the Government of Canada designed to assist children and families. It is expected that these initiatives as a whole, including recent measures taken by the government to consolidate Canada's strong economic performance, will contribute to a sustained and improved quality of life for Canadian children and families. The present report provides a description of measures undertaken by the Government of Canada as well as a portrait of the progress made by Canadian children from 1993 to 1997. Many important initiatives relevant to children in Canada were adopted after 1997 and are not therefore the focus of this report.

Measures in Force

Domestic

10. Several departments and agencies within the federal government share responsibility for measures related to children and youth. In 1995-96, federal spending on children was approximately $9.8 billion. Of this, $8.1 billion supported direct programming and services for children and $1.6 billion was for indirect activities. In addition to this $9.8 billion, a significant portion of the $29.6 billion of federal transfers to provincial and territorial governments in

1995-96 provided income support, health services and a range of social services to children and families.

11. The importance of collaboration, consultation and developing new ways of working together to achieve an integrated approach to child and youth issues is recognized by federal, provincial and territorial governments. At their meeting in June 1996, Canada's first ministers identified investment in children as a national priority. In January 1997, the *National Children's Agenda* (NCA), a federal-provincial-territorial and multi-sectoral initiative, was launched to develop a shared vision and common goals to enhance the well-being of Canada's children. In addition to input from governments, the NCA plans to involve a broad spectrum of Canadians through consultation with key stakeholders and representatives of the public.

12. As part of the NCA initiative, the 1997 federal budget announced the Government of Canada's contribution to the National Child Benefit (NCB) system. The NCB is aimed at improving the well-being of Canadian children living at risk as a result of economic insecurity or poverty. The NCB also aims to address the so-called "welfare wall" problem, where the structure of benefits are such that families on social assistance were often better off than families in which parents worked in low-paying jobs, thus making it difficult for parents to join or stay in the workforce. The objectives of the NCB are to help prevent and reduce child poverty, to help parents of low-income families participate in the workforce, and to reduce overlap and duplication through closer harmonization of programs and simplified administration. The Government of Canada's contribution to the NCB is delivered through a special supplement to the Canada Child Tax Benefit (CTB). Established in January 1993, the CTB is a broad-based federal government initiative to assist families with children. The program provides monthly tax-free benefits to low- and middle-income families on behalf of each dependent child under 18 years of age.

13. The first phase of the NCB was implemented in July 1998. In July 1999, the special supplement to the CTB (also referred to as the NCB supplement) was again increased. After the increases scheduled for July 2000, federal government investment in the CTB will have risen by approximately 40 percent relative to 1996. These enrichments will result in increased benefits for 1.4 million low-income families. A low-income family with two children will receive up to 48 per cent more assistance in 2000 than in 1996.

14. In 1997, the Prime Minister of Canada created the position of Secretary of State for Children and Youth. The Secretary of State works with Federal Ministers such as the Minister of Human Resources Development and the Minister of Health, on issues affecting the well-being of children and youth. The current Secretary of State has identified fetal alcohol syndrome, youth unemployment and youth homelessness for priority attention.

15. Canada's federal, provincial and territorial governments work together to support the health and well-being of children. In 1996, a Federal-Provincial-Territorial Council of Ministers on Social Policy Renewal was established to coordinate the renewal of Canada's social programs with support from the Health, Education, Social Services and Justice sectors. On February 4, 1999, the *Social Union Framework Agreement* was signed by all first ministers, with the

exception of the Premier of Quebec. The Agreement provides a collaborative framework to strengthen Canada's health and social programs to better meet the needs of Canadians. Among its agreements, it includes commitments to work in partnership to remove social policy barriers to mobility within Canada, to strengthen accountability to Canadians, and to promote enhanced consultation, cooperation and information sharing between governments, especially in relation to major changes to a social policy or program likely to affect other governments.

16. Supported by research that demonstrates the importance of health and social investments during the early years of life, the Government has introduced and enhanced a number of innovative initiatives to help Canadian children develop to their full potential. Federal programs such as the Community Action Program for Children (CAPC) , the Aboriginal Head Start Program (AHS) and the Canadian Prenatal Nutrition Program (CPNP) recognize the importance of early childhood development, parental involvement and education, cross-sectoral approaches for children's well-being, and partnerships with other governments, non-governmental agencies and communities.

17. In May 1997, Bill C-27 amended the *Criminal Code* to allow for the Canadian prosecution of persons who engage in child sex tourism and to facilitate the apprehension and prosecution of persons who seek out the services of juveniles in Canada. The bill also included provision for a mandatory minimum sentence of five years imprisonment for any person living on the avails of prostitution in relation to a person under the age of 18 and who uses violence against the person under that age and assists that person in carrying on prostitution-related activities for profit.

18. The Government of Canada has also taken measures to benefit children and young people of separated parents. The *Federal Child Support Guidelines*, introduced in 1997, make child support orders fairer, more predictable and consistent.

19. Investing in children and youth is a priority of the *National Strategy on Community Safety and Crime Prevention*. The strategy supports communities in the development of innovative, sustainable ways to prevent crime and victimization and build a safer society, including the provision of necessary supports and resources for children and families.

20. In 1995, Health Canada created the Childhood and Youth Division as a federal centre for expertise, leadership and coordination for issues, activities and programs concerning children and youth. Replacing the department's Children's Bureau, the Division delivers programs, supports policy development and undertakes strategic analysis of future trends. The Division also helps to provide policy development and coordination related to the *Convention on the Rights of the Child.*

21. From 1993-1997, the Government of Canada adopted measures to enhance the well-being of Aboriginal peoples, including Aboriginal children. The *Inherent Right Policy* (1995) recognizes the right of Aboriginal peoples to govern themselves in key areas of responsibility. In response to the Report of the Royal Commission on Aboriginal Peoples (RCAP), *Gathering Strength: Canada's Aboriginal Action Plan* (January 1998) seeks to renew partnerships,

strengthen Aboriginal governance, develop a new fiscal relationship between Aboriginal governments and institutions, and support communities, people and economies.

22. Measures announced as part of *Gathering Strength* include a Statement of Reconciliation by Canada, formally acknowledging and regretting historic injustices; community healing to address the effects of physical and sexual abuse in the residential schools system; an Aboriginal languages program; an on-reserve Aboriginal Head Start program; resources to increase the number of adequate housing units on reserve; and additional resources to address the inadequacies of water and sewer facilities on reserve. Other initiatives are described under the appropriate themes of this report.

23. *The National Longitudinal Survey of Children and Youth (NLSCY),* initiated in 1994, is a research program of Human Resources Development Canada and Statistics Canada that will track the health and well-being of a large sample of Canadian children over the long-term. It will provide the government with a better understanding of the factors that contribute to positive child development and will be used by governments to develop and evaluate a wide range of policies and programs targeted at children and youth.

24. In 1993, the federal government established *Canada's SchoolNet*, a collaborative effort to connect all Canadian public schools and public libraries to the Internet by March 31, 1999. This goal was achieved, making Canada the first nation in the world to connect all its schools and libraries. The project brings together provincial and territorial governments, universities and colleges, education associations, the information technology industry and other private sector representatives. *Canada's SchoolNet* enhances the access of Canadian children to information promoting their well-being and development.

International Cooperation

25. The rights of children are a priority within Canada's foreign policy. Canada has been a leader in promoting the rights of children throughout the world and in ensuring their protection from exploitation and abuse. Canada has effected change by creating and sustaining constructive bilateral relationships with other countries and through cooperative efforts with international agencies such as UNICEF.

26. The Canadian International Development Agency (CIDA) plays a key role in ensuring Canada meets its commitments to promote the rights and improve the lives of children in developing countries and countries in transition. Advocacy for girls' and boys' rights, meeting basic human needs including those in the areas of health, nutrition and education, helping to protect children from abuse and exploitation, and promoting children's participation in decisions affecting their lives are all integral parts of CIDA's mandate for children.

27. In 1996-97, CIDA supported 156 projects with a direct or indirect impact on children in the areas of child and maternal health, immunization, basic education, micro nutrient deficiencies, institutional- and capacity-building in favour of the *Convention on the Rights of the Child*, and improved protection for children. Much of CIDA's humanitarian assistance and food

aid benefits children, and CIDA provides core funding to multilateral organizations such as UNICEF and the World Health Organization. CIDA's Partnership Branch supports the work of many partners in non-governmental organizations who are working in the area of children's rights. Many additional projects for children are also supported through the Canada Funds for Local Initiatives, Gender Funds and other country-specific funds.

28. Canada's long involvement in peacekeeping missions, where it has seen first-hand the lasting and devastating effects of land mines on many civilians and children, led to the decision to spearhead the diplomatic campaign to negotiate an international ban on the weapons. In December 1997, Canada hosted the formal signing of the *Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction,* commonly known as the *Ottawa Convention*. The Government of Canada has committed resources over the next 5 years to support the removal of the millions of mines in the ground and to provide assistance to victims and nations coping with their devastating effects.

29. In 1995, Canada played a leading role at the Fourth World Conference on Women held in Beijing in securing many of the major achievements for women. Canada worked toward the adoption of a strong Platform For Action (PFA). The girl child was made one of the critical areas of concern in the PFA in recognition that "discrimination and neglect in childhood can initiate a lifelong downward spiral of deprivation and exclusion from the mainstream".

30. In 1996, Canada's Minister of Foreign Affairs appointed a Special Advisor on Children's Rights, Senator Landon Pearson, with a mandate to provide advice on children's issues, and liaise with non-governmental organizations, the academic community, the private sector and the public. The Special Advisor also participates actively in national and international initiatives on children's rights and promotes awareness of the *Convention on the Rights of the Child.*

31. Since the 1980's, Canada has been a strong supporter of international immunization, efforts to contribute to universal immunization and, in particular, the eradication of polio and the elimination of measles. From 1993 to 1997, Canada has provided approximately $14 million per year in financial support for international immunization efforts.

32. Since 1994, Canada has supported the Girl Child Education in Africa Initiative in sub-Saharan Africa. Supported by CIDA, UNICEF offices and Canadian non-governmental organizations, 15 countries have undertaken projects that will promote basic education for girls. These projects emphasize gender sensitivity training for teachers, development of curricula that are gender sensitive, working with communities and families to promote the value of educating their girls, and increasing the capacity of the education ministries in participating countries.

33. In April 1997, the Minister of Foreign Affairs announced the creation of the *Child Labour Challenge Fund*, aimed at engaging Canada's private sector in contributing to international efforts to eliminate exploitative child labour.

34. As a follow-up to the 1996 First World Congress Against Commercial Sexual Exploitation of Children held in Stockholm, Sweden, the Government of Canada supported *Out*

From the Shadows—An International Summit of Sexually Exploited Youth, held in Victoria, British Columbia, in 1998. The conference was initiated by Senator Landon Pearson, Special Advisor to the Minister of Foreign Affairs on Children's Rights, and Ms. Cherry Kingsley, a child advocate and former victim of sexual exploitation.

35. In developing countries and countries in transition, CIDA supports initiatives to increase the awareness of children's rights, including national obligations under the *Convention on the Rights of the Child*, strengthen legislative frameworks for the protection of children's rights, and build the capacity of key institutions in the public and private sectors to promote children's rights. CIDA supports initiatives to make the voices of boys and girls heard in policy-making fora and advocates to include children and youth in development assistance projects.

Government and NGO Cooperation

36. The interests and concerns of children were the focus of a national policy conference entitled *Canada's Children—Canada's Future* in November 1996. The conference's final report, which was endorsed by conference delegates, included policy recommendations and a framework for action on economic policy, income support, social supports, health, education, child care, youth justice and Aboriginal children.

37. With funding from the Department of Canadian Heritage, UNICEF Canada developed a training course on the Convention for federal officials and a guide entitled *The United Nations Convention on the Rights of the Child: A Practical Guide to its Use in Canadian Courts*.

38. With support from the Government of Canada and other partners, the Canadian Council on Social Development (CCSD) publishes *The Progress of Canada's Children*, an annual report presenting a range of health, social and economic findings related to Canadian children and their families.

39. During the reporting period, the Government of Canada worked in partnership with the voluntary sector on measures to support the effective implementation of the *Convention on the Rights of the Child* in Canada. For example, financial assistance was provided for the monitoring of the Convention's implementation in Canada by the Canadian Coalition for the Rights of Children (CCRC), an organization representing more than 50 non-governmental organizations in Canada concerned with the rights of children. Measures to integrate the principles of the Convention in professional and administrative guidelines regarding services for children and youth were also developed. Examples include a training course on the Convention for federal officials developed in partnership with voluntary organizations and a guide for the effective use of the Convention in Canadian courts.

40. From 1992 to 1996, the *Partners for Children Fund* encouraged innovative partnerships between Canadian and international non-governmental organizations, resulting in 21 international projects to promote the survival, protection and development of children. Key lessons that emerged from the completion of the Fund's initiatives centred on models for youth

participation, community involvement, public awareness and education, advocacy of children's rights, and partnerships and linkages.

B. Dissemination of the Convention – Article 42

41. The Human Rights Program of the Department of Canadian Heritage distributes, upon request and free of charge, copies of the *Convention on the Rights of the Child.* Approximately 5,000 copies are distributed every year. The program also provides support to non-governmental organizations to increase awareness and knowledge of the content of the Convention and the rights it sets forth. From 1993 to 1997, many projects received funding from the Program. For instance, Human Rights Internet produced a directory of organizations involved in children and youth rights in Canada. The program also funded a youth edition of the Convention entitled *Say It Right!*, produced by the Youth Participation Committee of the Canadian Coalition for the Rights of Children.

42. In 1993, the Government of Canada named November 20th *National Child Day*, as a testament to the importance of children for both the present and the future of the country. The selection of the date was inspired by the adoption of the *Convention on the Rights of the Child* by the United Nations General Assembly on November 20, 1989. A *Celebrate National Child Day Activity Guide* is produced to mark the annual event, and is an important awareness building tool for use in schools and child care centres and by community groups and families across Canada.

C. Dissemination of Reports – Article 44

43. *Canada's Second Report on the Convention on the Rights of the Child* is published and distributed in both official languages. Copies are distributed by the Human Rights Program of the Department of Canadian Heritage to provincial and territorial authorities and human rights commissions, provincial child advocates, civil liberties associations, a wide variety of non-governmental organizations concerned with children's issues, public libraries and educational institutions, and to other regular subscribers of government publications. The Program will also distribute copies to the general public upon request. The Report is also included in the catalogue of Canadian government publications available free of charge to the public upon request. Non-governmental and Aboriginal organizations are at liberty to reproduce and distribute copies of the Report or portions of it for their own educational purposes. The Report is available on the Internet at http://www.pch.gc.ca/ddp-hrd.

II. Definition of "Child"

44. In Canada, no federal statute legislates a general age of majority. Rather, each law sets age limits that are appropriate for its purposes, and these age limits may also vary by jurisdiction. The age limits outlined in *Canada's First Report on the Convention on the Rights of the Child* have not changed since that report, with the following exceptions.

45. In 1997, Parliament amended the *Divorce Act* to change the definition of "child of the marriage" from age 16 to the "age of majority." The age of majority is set by provincial statutes.

It is 18 in the provinces of Alberta, Manitoba, Prince Edward Island, Québec and Saskatchewan, and 19 in the provinces and territories of Ontario, British Columbia, Newfoundland, Nova Scotia, New Brunswick, Northwest Territories, Nunavut and the Yukon. Children who fall under this definition are entitled to support as long as they have not withdrawn themselves or been withdrawn from their parents' charge.

46. Under the *Immigration Act*, the definitions of "dependent daughter" and "dependent son" have been extended to offspring who are over the age of 19 and either in full-time attendance at a post-secondary educational institution and substantially or wholly supported by their parents or who suffer from a physical or mental disability and are incapable of supporting themselves by reason of this disability.

47. The federal *Tobacco Act* defines "young person" as a person under 18 years of age (previously, the age limit was 16 years). The statute prohibits the sale of tobacco to young persons.

48. Under section 486 of the *Criminal Code*, safeguards exist to protect the interests of witnesses who are under 14 years of age where the accused is charged with a sexual offence or an act of violence. The court can order a support person to be with the witness while testifying. In addition, the accused would normally not be permitted to personally cross-examine the witness.

49. Also under section 486 of the *Criminal Code*, where a complainant is under the age of 18 and the accused is charged with a particular sexual offence or with corrupting a child, the court may order that the complainant testify outside the courtroom or behind a screen or other device so that he or she does not have to see the accused.

50. Under the *Young Offenders Act,* young persons of 16 and 17 years of age who are charged with murder, attempted murder, manslaughter or aggravated sexual assault are transferred to adult court, unless the court orders that the youth be proceeded against in youth court. (However, it should be noted that a proposed *Youth Criminal Justice Act* is currently before Parliament. Please see Theme VIII—Special Protection Measures for a more detailed description of the proposed changes.)

51. Formalizing a long-standing practice, the *National Defence Act* was amended in December 1998 and now stipulates that individuals under the age of 18 may not participate in any hostilities.

52. The *Firearms Act* defines a minor as an individual who is less than 18 years old. A minor is not eligible for a licence to acquire firearms, however, a minor's possession licence, for those between the age of 12 and 18, permits the minor to use non-restricted firearms (such as shotguns and rifles) for the purpose of target practice, hunting, instruction in the use of firearms or to take part in organized shooting competitions. Minors under the age of 12 may obtain a minor's licence if they hunt or trap as a way of life in order to sustain themselves and their family. All minor's licences are subject to conditions, which might include supervision. In limited situations, the minor may be permitted to use restricted or prohibited firearms (primarily handguns) under the

direct and immediate supervision of a licenced adult. The *Firearms Act* also allows minors without a licence to use firearms only under the direct and immediate supervision of a licenced adult. Before granting a minor's possession licence, the minor and their parent/custodial adult are interviewed by a firearms officer. The parent or guardian must agree to the terms under which the minor may use firearms and must give their consent before a licence is issued.

III. General Principles

A. Non-discrimination – Article 2

53. The constitutional and statutory guarantees outlined in *Canada's First Report on the Convention on the Rights of the Child* continue to protect children. In particular, section 15 of the *Canadian Charter of Rights and Freedoms* constitutionally guarantees that "Every individual is equal before and under the law and has the right to the equal protection and equal benefit of the law without discrimination, and in particular, without discrimination based on race, national or ethnic origin, colour, religion, sex, age or mental or physical disability."

54. Two Supreme Court of Canada decisions illustrate the application of this section of the Charter:

- The parents of a child with severe disabilities argued that her placement in a special education class, contrary to their wishes, contravened the equality provisions of the Charter. The Supreme Court, after considering the school board's policies and the child's disabilities, concluded that there was no contravention of the Charter as the school board's decision did not constitute the imposition of a disadvantage or burden, nor did it constitute the withholding of a benefit or advantage to the child, as the decision had been made in her best interests. (*Eaton v. Brant County Board of Education* [1997] 1 S.C.R. 241.)

- The Supreme Court of Canada held that the provincial *Medical and Health Care Services Act* (now the *Medicare Protection Act*) and the *Hospital Insurance Act*, by not providing publicly-funded sign language interpretation for deaf patients, were in breach of s. 15 of the Charter. (*Eldridge v. British Columbia (Attorney General)* [1997] 3 S.C.R. 624.) Although the applicant in this case was not a child, it is anticipated that the decision of the Supreme Court of Canada will be of benefit to children with disabilities.

Measures in Force

55. The Multiculturalism Program at the Department of Canadian Heritage focuses on initiatives to achieve the following objectives:

- to assist in the development of strategies that facilitate the full and active participation of ethnic, racial, religious and cultural communities in Canadian society;

- to facilitate collective community initiatives and responses to ethnic, racial, religious and cultural conflict and hate motivated activities;

- to improve the ability of public institutions to respond to ethnic, racial, religious and cultural diversity by assisting in the identification and removal of barriers to equitable access and by supporting the involvement of diverse communities in public decision-making processes;

- to encourage and assist in the development of inclusive policies, programs and practices within Federal Departments and Agencies in order that they meet their obligations under the *Canadian Multiculturalism Act*; and

- to increase public awareness, understanding and informed public dialogue about multiculturalism, racism and cultural diversity in Canada.

56. The International Day for the Elimination of Racial Discrimination is commemorated in Canada by a national public education campaign, popularly known as the "March 21 Campaign." The campaign targets elementary and secondary school students and encourages them to participate in an ongoing dialogue about racism. Campaign tools include printed materials such as brochures and teachers' guides, a "cyber" petition, and a national "Stop Racism" video competition.

57. The department's Awards Program encourages students to explore the contributions of people of Aboriginal and diverse ethnocultural origins to the building of Canada. Its purpose is to generate mutual respect and understanding among Canadians of different cultural heritages. More than 90 percent of Canada's 16,000 elementary and secondary schools submit essays, short stories, poems and artwork on the theme of cultural diversity and nation building. The Mathieu Da Costa Awards Program, launched in 1996 in association with the Canadian Teachers' Federation, commemorates the official designation of February as Black History Month. Mathieu Da Costa was a black navigator who played a significant role in facilitating understanding between the Mi'kmaq First Nation and the early French explorers in Canada in the early 17th century.

58. *Open House Canada* provides financial assistance to non-profit organizations to help administer reciprocal group exchange programs and national fora within Canada. The funds allocated are to be used exclusively to cover part of the transportation costs. Target groups are aboriginal youth, youth with disabilities, visible minorities and economically disadvantaged youth.

59. *SchoolNet*, a federal government initiative to promote the effective use of information technology among Canadians by helping all schools and libraries connect to the Internet, includes key components for promotion of non-discrimination:

- "E-Conflict World Encyclopedia," part of the *SchoolNet* Web site, aims to "eradicate conflict around the world" by promoting international cultural awareness. The site enables students and others to discover the geography, history, people, culture and government of countries around the world.

- With the signing of a Memorandum of Understanding, the Beijing Concord College of Sino-Canada is linked with *SchoolNet*. Through this *SchoolNet* connection, Chinese students from Beijing and other areas of China are now able to enroll in the same educational program as foreign students.

Industry Canada's *SchoolNet* initiative is described in further detail in Theme IV of this report.

B. Best interests of the child – Article 3

60. The Government of Canada believes that Article 3 of the *Convention on the Rights of the Child* should be interpreted in a manner consistent with the intention of the drafters, as stated in the preparatory documents or *"travaux préparatoires"*. In particular, the phrase "a primary consideration" means that the best interests of the child is a vitally important consideration in the development of all legislation, programs and policies that concern children.

61. The nature of this consideration depends upon the context of the legislation, program or policy, as illustrated by the following examples:

- The federal *Divorce Act* states that the best interests of the child shall be the *only* consideration in determining matters of custody and access. The Supreme Court of Canada has held that where a non-custodial parent applies for a variation of a custody order to prevent the custodial parent from moving to another jurisdiction with the child, there is no legal presumption in favour of the custodial parent, although the custodial parent's views are entitled to great respect. The only test is the best interests of the child. (*Gordon v. Goertz (1996), 19 R.F.L. (4th) 177, [1996] S.C.R. 27.*)

- The federal *Young Offenders Act,* as well as the proposed juvenile justice legislation, stipulates that a court shall consider several factors in addition to the best interests of the child in determining the placement of young offenders, including the safety of other youths in a juvenile detention centre.

- The Child Tax Benefit, established in January 1993, is a broad-based federal government initiative to assist children. The program provides a monthly tax-free benefit to low- and middle-income families on behalf of each dependent child under 18 years of age. The 1997 federal budget announced the National Child Tax Benefit, a joint federal/provincial initiative. In July 1998, the federal government announced the implementation of the new Canada Child Tax Benefit (see Theme VI, Article 26), which provides increased financial support to low- and middle-income families with children. Provinces and territories in turn will make complementary re-investments of provincial funds to assist children in low-income families.

Factors, Difficulties and Progress

62. Although, as previously noted, the courts decide custody and access disputes under the federal *Divorce Act* according to the best interests of the child, there is no consistent definition of the principle in use by the courts. The "best interests test" has therefore come under criticism as being arbitrary and unpredictable.

63. In 1996, the Immigration and Refugee Board (IRB), an independent quasi-judicial tribunal that hears and decides refugee and immigration claims in Canada, issued *Guidelines on Child Refugee Claimants*. Based on extensive consultation with specialists, including child psychiatrists and lawyers, as well as national and local organizations involved with child refugees, the guidelines provide procedural and evidentiary guidelines for dealing with the special needs of children appearing before the IRB. The guidelines stipulate that primary consideration be given to the "best interests of the child," taking into account age, gender, cultural background and past experiences.

Priorities and Goals

64. In 1997-98, a Special Joint Committee of the Senate and the House of Commons on Child Custody and Access studied issues relating to custody and access arrangements after separation and divorce. The mandate of the Committee was to assess the need for a more child-centered approach to family law policies and practices that would emphasize joint parental responsibilities and child-focused parenting arrangements based on children's needs and best interests. The Committee issued a final report and recommended changes in December 1998. At the time of writing, the Government of Canada was in the process of preparing a response to the Committee's report.

C. The right to life, survival and development – Article 6

Measures in Force

65. The constitutional and statutory guarantees as outlined in *Canada's First Report on the Convention on the Rights of the Child* continue to protect children.

66. The current *Firearms Act* aims to reduce the number of firearms deaths and injuries of children (and adults). The *Firearms Act* was passed in December of 1995. As of December 1998, the legislation requires all gun owners to become licensed before January 1, 2001, and all firearms to be registered before January 1, 2003. The legislation also created a new smuggling and trafficking offence, prohibited various types of handguns, and introduced new mandatory penalties for the use of firearms in the commission of a crime.

67. The *National Defence Act* was amended in December 1998 to remove the death penalty.

68. Since *Canada's First Report on the Convention on the Rights of the Child*, the Government of Canada, First Nations, Inuit and Metis communities have been working in

partnership to develop solutions and positive interventions to address the underlying issues around suicide and other mental health issues of those communities. Among numerous initiatives, an Aboriginal Suicide Prevention Workshop was held in 1995, and a manual for front-line community workers was subsequently produced.

69. In February 1997, an agreement was signed between the Government of Canada, the Ontario Government and the Nishnawbe-Aski Nation to establish a three-year program to attempt to reduce suicides and to address other related problems. The program implemented the recommendations of Nishnawbe-Aski's Youth Forum, which had spent 3 years examining the suicide crisis and its causes.

70. In 1997, Health Canada supported a Youth and Elders Conference, attended by more than 500 participants from across the country, to discuss suicide among Aboriginal youth and other issues of concern.

D. Respect for the views of the child – Article 12

71. The constitutional and statutory guarantees outlined in *Canada's First Report on the Convention on the Rights of the Child* remain.

Measures in force

72. In divorce, custody and access proceedings, while there is no specific requirement for the child's views to be heard, various procedures are sometimes used to elicit them for the court. These include custody and access investigation reports by social workers and psychologists; testimony of experts, such as psychologists and psychiatrists; testimony of the child, particularly an older child; and affidavit evidence. In some instances, a judge will meet directly with the child. Parents, their counsel or counsel for the child can also speak to a child's interests or views.

73. The *Immigration Act* stipulates that a person under 18 years of age may be represented by a parent or guardian when an inquiry is held by an adjudicator to determine whether that individual should be removed from Canada. Where such a person is not represented by a parent or guardian at such an inquiry, or where, in the opinion of the adjudicator presiding at the inquiry, the child or youth is not properly represented by a parent or guardian, the inquiry must be adjourned and the adjudicator must designate some other person to represent that young person at the expense of the Minister. (Subsection 29(4) and 29(5) *Immigration Act*). Similarly, in proceedings before the Refugee Division regarding claims of refugee status by persons under 18 years of age, the Division may designate someone to represent a person under the age of 18. This designated person is paid an honorarium fixed by the Chairperson and such reasonable expenses as are incurred by the designated person in connection with the representation, unless the designated person is the parent.

74. Section 486 of the *Criminal Code of Canada* includes provisions in relation to respect for the views of the child:

- Safeguards exist to protect the interests of witnesses who are under 14 years of age where the accused is charged with a sexual offence or an act of violence. The court can order that a support person be present with the witness while testifying. As well, the accused would normally not be permitted to personally cross-examine the witness.

- Where a complainant is under the age of 18 and the accused is charged with a certain sexual offence or with corrupting children, the court may order that the complainant testify outside the courtroom or behind a screen or other device so that he or she does not have to see the accused.

75. The federal government, in cooperation with the provinces and territories, is currently implementing a major juvenile justice initiative. In all areas of the initiative, procedural safeguards have been included to permit the accused or young offender to express his or her opinion and views.

Factors, Difficulties and Progress

76. Although the views of the child are generally heard during divorce, access and custody proceedings, some authorities question whether it is in the best interests of a child to be involved in mediation or litigation. Those against the practice believe that the process can be difficult and emotional and that psychological damage may occur if a child is encouraged to choose one parent over another. Those in favour believe that the benefits of considering the views of the child outweigh the risks.

77. The views and opinions of youth were sought during a government-sponsored conference *Out From the Shadows—An International Summit of Sexually Exploited Youth* which was held in British Columbia in 1998. The conference was initiated by Senator Landon Pearson, Canada's Special Advisor on Children's Rights and Cherry Kingsley, a child advocate and former victim of sexual exploitation, following their participation in the First World Congress Against Commercial Sexual Exploitation of Children in Stockholm in 1996. In preparation for the summit, sexually exploited children and youth in Canada were consulted on various issues. The five-day summit brought together youth as well as representatives of governments and non-governmental organizations to examine issues related to the commercial sexual exploitation of young people and to develop strategies and initiatives. The government also supported the attendance of both Canadian and international youth at the conference.

Priorities and Goals

78. The respect for the views of the child were considered by the following working groups:

- A Special Joint Parliamentary Committee on Custody and Access examined the Article in terms of the *Divorce Act*.

- The Parliamentary Standing Committee on Justice and Human Rights studied the need for further victim legislation and related issues, with particular attention to their application in the youth justice system. Its report was submitted to Parliament in the fall of 1998.
- A Federal-Provincial-Territorial Working Group on Victims of Crime also examined a variety of issues including co-ordination and delivery of victim services, the need for specialized services and the provision of information to victims.

79. The federal government will implement recommendations from these committees, including the establishment of a new office or policy centre for victims' issues. This office will seek to ensure that victims' perspectives are considered in the development of all policies and legislation and will manage, coordinate and enhance all federal initiatives relating to victims. As a federal centre of expertise, it will also focus on emerging national and international issues and trends in victim advocacy, legislation and services.

80. The Government of Canada has also committed itself to amending the *Criminal Code* to improve opportunities for victims to express how they have been affected by the crime and to require the court to consider the victim's safety in bail decisions. The amendments will make it easier for victims to participate as witnesses in trials by providing guidelines to the courts for protecting a victim's identity. Safeguards for young victims of sexual or violent crime will be expanded by further restricting the cross-examination by self-represented accused persons.

IV. Civil Rights and Freedoms

A. Name, nationality and parental care – Article 7

Measures in Force

Name and nationality

81. In Canada, the registration of children after birth is a provincial responsibility while the determination of citizenship is a federal responsibility. There have not been any changes to the legislation or policy regarding determination of citizenship since *Canada's First Report on the Convention on the Rights of the Child.*

82. As a result of the Federal Court of Appeal decision in the *McKenna* case, (*Canada (Attorney-General) v. McKenna* [1999] 1 F.C. 401), Citizenship and Immigration Canada has undertaken a review of the legislative provisions governing access to citizenship for children adopted abroad by Canadian citizens. A proposed *Citizenship of Canada Act*, anticipated in 1999, will include provisions that would facilitate access to citizenship for these children.

Factors, Difficulties and Progress

83. The Government of Canada has endorsed the creation of the First Nations Child and Family Service (FNCFS) agencies as a way to ensure that all First Nation children and families

receive culturally sensitive services within their First Nation community. There are 73 First Nation and Child and Family Services (FNCFS) agencies providing services to approximately 70 percent of the on-reserve First Nation population in Canada.

Priorities and goals

84. It is expected that another 36 First Nation and Child and Family Services agencies will become operational by the year 2002, bringing the on-reserve population served by FNCFS agencies to over 91 percent.

Parental care

85. The federal, provincial and territorial governments work cooperatively in the areas of divorce, custody, access, support and juvenile justice. For example, while divorce is a federal matter, the determination of custody and access in a non-divorce situation falls to the provincial/territorial jurisdictions. The governments also work cooperatively to ensure that child support payments are paid by the non-custodial parent.

86. There have not been any changes in the legislation or policies regarding parental care under the *Divorce Act* since the writing of the First Report. A detailed description of measures in force to ensure parental financial support to children is found in Theme V (Article 27).

Factors, Difficulties and Progress

87. A Special Joint Committee of the Senate and the House of Commons on Child Custody and Access has studied issues relating to custody and access arrangements after separation and divorce. The mandate of the Committee was to assess the need for a more child-centered approach to family law policies and practices that would emphasize joint parental responsibilities and child-focused parenting arrangements based on children's needs and best interests. The Committee issued a report with recommendations in December 1998. The Government issued a response in May 1999. Further action will be highlighted in the next report.

88. The current *Young Offenders Act* sets out the rights of parents to receive notice and information regarding their child before, during and after legal proceedings. These rights have been maintained in the proposed juvenile justice initiative. For example, parents have the right to be notified of any extra-judicial measures. As well, parents of a young person charged with an offence are to be notified as soon as possible of the arrest and all requirements for appearance before the court. If possible, parents will be interviewed prior to the writing of a pre-sentence report, which is used by the court to determine the appropriate sentence for a young offender. Parents will receive notice of and explanations concerning recommendations for release from custody and can request a review if the court does not accept the recommendations.

89. Parents may also make an application on matters relating to their child and the court must hear these representations. Further, the courts may require a parent to attend at any stage of the

proceedings in youth court. A parent who fails to attend when ordered to do so would be guilty of contempt and could be subject to arrest.

B. Preservation of identity – Article 8

90. With regard to the preservation of identity, there have not been any changes to the *Divorce Act* since the writing of the First Report.

91. The Government of Canada's Inherent Right Policy allows for the negotiation of jurisdiction over civil procedures in the administration of the *Divorce Act* when determining Aboriginal self-government arrangements. However, to maintain national standards and consistency, jurisdiction over custody and spousal support in the context of divorce remains a federal responsibility.

92. There have not been any changes to the mechanisms of adoption of Aboriginal children since the First Report. However, under the Inherent Right Policy, responsibility for child welfare, including adoption, may be negotiated. A detailed description of measures relating to Aboriginal children is included in Theme VIII of this Report.

C. Freedom of expression – Article 13

93. There have not been any changes in the constitutional or statutory guarantees of freedom of expression since the writing of the First Report.

94. To commemorate the 50th Anniversary of the *Universal Declaration of Human Rights*, the federal Department of Canadian Heritage created the Web site "CREDO," and invited young people across Canada to create their own list of fundamental rights (i.e. their own credo). Posters, poetry, drawings, Web pages, rap songs and even a quilt were submitted. The Web site also provided the opportunity for young people to exchange their views with others.

95. Children and youth are also encouraged to express themselves through *SchoolNet*, an Industry Canada initiative to promote the effective use of information technology among Canadians. Examples of *SchoolNet* Web sites that encourage freedom of expression include:

- *SchoolNet News Network* is a monthly Internet newspaper written and produced by students from Kindergarten to Grade 12 (ages 5 to 18).
- *Hooked on School* targets students at risk of dropping out of school or who have already quit school. The site allows young people to anonymously discuss their feelings toward school and the consequences of dropping out of school. Through this forum, many students have been encouraged to stay in school and others have returned to school.
- *Book Nook* allows children and youth to review and recommend books aimed at their age level.

- *Family Treasures* is geared to primary school children. It provides an on-line "show and tell" of items of archival and historical interest that may be found in the children's homes. The Family Treasures site is linked to museums, where additional information is available.

D. Freedom of thought, conscience and religion – Article 14

96. The constitutional guarantees of freedom of conscience and religion and freedom of thought, belief, opinion and expression, including freedom of the press and other media of communication, have not changed since the First Report (sections 2(*a*) and 2(*b*) of the *Canadian Charter of Rights and Freedoms*).

97. In one case, the Supreme Court of Canada held that a child's right to life-saving medical treatment took precedence over her parents' right to freedom of religion. The parents had refused to consent to their child receiving a blood transfusion because of their religious beliefs. (*B. v. Childrens' Aid Society of Metropolitan Toronto* [1995] 1 S.C.R. 315.).

E. Freedom of association and peaceful assembly – Article 15

98. The constitutional guarantees of freedom of peaceful assembly and freedom of association remain. (sections 2(*c*) and 2(*d*) of the *Canadian Charter of Rights and Freedoms*).

F. Protection of privacy – Article 16

99. The constitutional and statutory guarantees of protection of privacy, as outlined in the First Report, remain.

100. In one decision, the Supreme Court of Canada held that the publication of a youth's image, without her consent, constituted a violation of her privacy and of her right to her image under the Québec *Charter of Human Rights and Freedoms*, resulting in a financial award in her favour (*Aubry v. Éditions Vice-Versa Inc.*[1998] 1 S.C.R. 591).

101. In another case, the Supreme Court of Canada held that a vice-principal had not infringed a student's constitutional right not to be subjected to unreasonable search or seizure when the vice-principal requested that the student, in the presence of a police officer, role up his pant leg. The vice-principal had reason to believe that the student was concealing drugs and had intended to sell these drugs at a school event. Drugs were found in the student's sock, and the student was charged under the *Young Offenders Act*. The Court held that, in this particular case, the vice-principal's actions were reasonable. The Court also stated that the search of the student's locker by the police was constitutional in this particular circumstance. (*R. v. M.(M.R.)* [1998] 3 S.C.R. 393.)

G. Access to appropriate information – Article 17

(a) Mass media

102. There have not been any amendments to the *Canadian Broadcasting Act* since the release of the First Report.

103. The Canadian Radio-Television and Telecommunications Commission (CRTC) supervises and regulates all aspects of telecommunications according to the policies set out in the *Broadcasting Act.* The structure and conditions of the television licence of the Canadian Broadcasting Corporation (CBC) have remained constant since the First Report.

104. The National Film Board (NFB) is a federal cultural agency that produces and distributes films that "interpret Canada to Canadians and other nations." Extensive use of NFB films is made in Canadian elementary and secondary schools. From 1993 to 1997, the NFB released over 300 productions for children of all ages, including:

- *Rights from the Heart*, a three-part series of animated films based on the *Convention on the Rights of the Child.*
- *The Prince and I*, a Web production which encourages children to learn to read and write in a playful environment.
- *Perspectives in Science* explores a number of social and environmental issues relating to science.
- *Street Safe: Videos for Teens* is a series of videos on issues that touch the lives of adolescents, such as sexual harassment, racism, mental illness, homelessness and addiction.
- *ShowPeace/AnimaPaix* is a series of animated films about conflict resolution.
- *Le studio d'animation du Programme français* continues to produce high-quality animation films, such as *Mon enfant, mon terre* and *L'arbre mort.*

105. In 1996, the NFB established the Media Awareness Network, a Canadian non-profit organization dedicated to media education and media issues affecting children and youth. The Network provides an Internet site in English and French for educators, students, community leaders and others interested in knowing more about the media and its influences.

106. Financial assistance for the production of Canadian children's programming is provided by both the private sector and the Canadian government. In 1994, the Canadian cable industry, with the financial support of the Canadian Radio-Television and Telecommunications Commission (CRTC), established the Cable Production Fund. The purpose of the fund was to provide financial resources to produce high-quality Canadian programs in under-represented

categories, including children's programs. In 1996, the Canada Television and Cable Production Fund was created when the Cable Production Fund was integrated with the broadcast production fund of Telefilm Canada (a federal cultural agency). This annual fund helps to finance quality Canadian television programs in the categories of drama, variety, children's shows and documentaries. In 1996-97, the fund contributed toward the production of 724 hours of children's programming.

107. In 1996, the CRTC awarded licenses to two new specialty services intended primarily for children: *TreeHouse TV* provides programming for pre-school children and *TELETOON* offers animated programming for children of all ages and families. Other pay and specialty services licenced by the CRTC to provide programming for children are the French-language specialty service *Canal Famille*, the English-language specialty services *YTV* and the *Family Channel*, and the *Aboriginal Peoples Television Network* (APTN). The APTN is described in further detail below. Programming provided by pay and specialty services intended for children complements the children's programming provided by conventional and provincial educational broadcasting services. All of these services must adhere to guidelines regarding sex-role stereotyping and violence in television programming.

108. The Government of Canada has provided $125,000 in financial support to Concerned Children's Advertisers (CCA), a consortium of Canadian companies which market and broadcast products and services to children and families. In recent years CCA has carried out several multi-activity projects to educate children about positive, balanced, informed and healthy television viewing. This project involved the production and airing of media literacy vignettes, entitled *TV and Me*. These vignettes informed children and youth of issues such as life-skill education (self-esteem, decision-making, role models and substance free living); media literacy (media message, heroes, stereotypes, role models, fantasy versus reality, media violence and the technical side of television); and peer education (the role of older children in educating younger children about positive living).

109. In March 1997, the second *Status of Women Canada Roundtable on Portrayal of Young Women in the Media* took place. Participants included industry representatives, advertising agencies, publishers, fashion editors and television producers, as well as academics and representatives of MediaWatch who have expertise on the impact of the media images on young women. Among the concerns discussed were the relationship between the portrayal of women as victims and violence against women, and the sexualization of younger women. This dialogue continued in 1998-99.

110. Telefilm Canada, a federal cultural agency, fosters and promotes the development of the feature film and television industries in Canada. Since 1994, Telefilm Canada has provided financial support for 47 programs for children, including successful series such as *Watatatow*, *La Maison de Ouimzie*, *The Adventures of Dudley the Dragon* and *Big Comfy Couch*.

111. The Canadian Broadcasting Corporation is using the Internet to develop alternative offerings for children and youth. The CBC's Web site includes information on children's

programming, related activities and games and information for parents and teachers on the effective use of television in the home and classroom.

112. *SchoolNet*, an Industry Canada initiative, is designed to promote the effective use of information technology among Canadians by helping all public schools and public libraries connect to the Internet. This initiative responds to the Government of Canada's commitment to ensure the Internet is accessible to all Canadians, regardless of income level or location. The *SchoolNet* project aims to have 250,000 connected computers in Canadian classrooms (approximately one per classroom) by March 31, 2001.

113. *SchoolNet*'s Computers for Schools program channels surplus computer equipment from businesses, government and individuals into classrooms and public libraries across Canada. This award-winning program, a partnership effort of the Telephone Pioneers of America, governments, businesses, volunteer groups and communities, has been a contributing factor to the success of the *SchoolNet* initiative.

114. Another component of the initiative is an informational Internet site aimed primarily at students and teachers. The *SchoolNet* Web site fosters a culture of lifelong learners and promotes the development of the kinds of skills required to compete in the knowledge-based economy.

115. The site provides links to hundreds of Canadian educational and informational Web sites. All links are carefully screened by Industry Canada to ensure the content is appropriate for children. Any site that contains pornographic, sexist, discriminatory or otherwise inappropriate material is not linked to *SchoolNet*.

116. Many of the sites linked to *SchoolNet* are for teachers to assist them in planning and educating. Many others are geared to children, for example:

a) D.E.A.L.—Drug Education and Awareness for Life, is designed to inform and educate youth, as well as adults, on substance abuse issues, provide problem-solving skills and promote effective ways to deal with the use of drugs.

b) *The Little Math Puzzle* challenges students from grades 5 to 10 with a new mathematical puzzle every week.

c) *Healthy Teeth,* designed for grades 3 to 6, uses animation, easy-to-understand text and simple classroom experiments to promote good dental health. The Canadian Dental Association, the Nova Scotia Dental Association and the Halifax County Dental Society are the site's major sponsors.

d) *Politics by Aristotle* encourages youth to read this well-known essay online and exchange their ideas and comments with other students.

(b) International cooperation

117. As of April 1998, Canada has signed a total of 44 film and television co-production agreements with 52 states. Canadian children's programming is made available in other countries by a variety of means, in particular Telefilm Canada's International Affairs division and its European office located in Paris.

118. *SchoolNet* is recognized around the world for its innovative and exciting approach to learning through technology. The Office of International Partnerships has been established by Industry Canada to provide a single point of access to Canada's information communication technology skills and products, including *SchoolNet*, for any country or foreign organization seeking to build their own electronic learning network.

(c) Dissemination of books

119. The Book Publishing Industry Development Program provides funding to the Canadian Children's Book Centre for its "Read About It" series of study guides on outstanding Canadian young adult fiction for use in classrooms nation-wide.

(d) Linguistic needs of minority and indigenous children

120. The linguistic requirements of the *Broadcasting Act*, as outlined in the First Report, remain. The Canadian Radio-Television and Telecommunications Commission (CRTC) continues to support the Native Broadcasting Policy, which fosters the development of Aboriginal cultures and the preservation of native languages.

121. In February 1999, the CRTC approved an application by Television Northern Canada Incorporated (TVNC) to operate the Aboriginal Peoples Television Network (APTN). Effective September 1, 1999, APTN will be distributed nationally, a move that meets the objectives of the *Broadcasting Act*. Programming will be targeted to a variety of age groups and interests, and will include children's shows, educational, cultural and current affairs programming, drama, music, comedy, documentary features, discussion programs, political coverage, and special events, as well as programming about indigenous people around the world. Through this programming, APTN will provide social benefits by helping to preserve the cultural identity of Aboriginal peoples and by offering a cultural bridge between Aboriginal and non-Aboriginal communities.

122. Industry Canada, through its *SchoolNet* initiative, the Assembly of First Nations, and Stentor, a private sector telecommunications company, have worked together to connect all interested First Nations schools under federal jurisdiction to the Internet. The *SchoolNet* Internet site provides access to First Nations curriculum resources in English, Cree and Syllabic and cultural collections of First Nations artifacts and art. Through the site, student and teachers and others are able to network with other First Nations schools and communities.

123. As part of Canada's Aboriginal Action Plan, an Aboriginal language program to preserve and teach Aboriginal languages is being developed by the Department of Canadian Heritage and

the Department of Indian and Northern Affairs (DIAND). DIAND has provided funding for language and cultural activities to First Nations elementary and secondary on-reserve schools. Financial assistance is also given to a Cultural Education Centres Program through First Nations, tribal/district councils and First Nations /Inuit non-profit corporations to preserve, develop, promote and express their cultural heritage and languages.

124. The Department of Canadian Heritage works with provinces and territories to ensure that minority schools offer their students an education of comparable quality to that offered to the majority (in keeping with section 23 of the *Canadian Charter of Rights and Freedoms).* The Department also supports, in co-operation with provincial and territorial governments, the provision of high-quality second-language instruction at all levels.

(e) Protective guidelines

125. The role of the Canadian Radio-Television and Telecommunications Commission (CRTC) as outlined in the First Report, remains. Since 1994, the CRTC has required all television services to comply with the *Canadian Association of Broadcasters Voluntary Code Regarding Violence in Television Programming*. The Code contains a section dealing specifically with children's programming, which sets out strict limitations on the nature and amount of violence that may be included in programs directed at persons under 12 years of age. The Code stipulates that children's programming must:

- portray very little physical, verbal or emotional violence;
- carefully deal with themes that could threaten children's sense of security, or that could invite children to imitate acts they see on screen;
- show, in human terms, the consequences of any realistic depiction of violence to its victims and perpetrators;
- not contain realistic scenes of violence that create the impression that violence is the preferred way or the only method to resolve conflict between individuals, or that minimize or gloss over the effects of violent acts; and
- not contain frightening or otherwise excessive special effects not required by the storyline.

Factors, difficulties and progress

126. The CRTC's Policy on Violence in Television Programming, announced in March 1996, emphasized the need for tools for parents to use in protecting their children from the harmful effects of television violence, such as a classification system for rating violence in television programming and "V-chip technology" for blocking programs with inappropriate levels of violence.

127. In 1997, the CRTC approved a classification system that will help parents make informed choices. Proposed by the Action Group on Violence on Television (AGVOT), an organization representing all sectors of the Canadian broadcasting industry, the six-level classification system

rates programs based on language, sexual content and violent content. Canadian broadcasters started providing on-screen ratings using the approved classification system in October 1997.

128. The CRTC remains committed to the implementation by broadcasters and the cable industry of an affordable V-chip compatible classification system. AGVOT is continuing its work to resolve problems surrounding V-chip technology, and will provide CRTC with regular progress reports.

H. Right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment – Article 37 (*a*)

129. The constitutional guarantees outlined in the First Report remain. In Canada, capital punishment is not an available punishment.

130. The juvenile justice system is described under the headings "children in conflict with the law" and "children deprived of their liberty" in Theme VIII.

V. Family Environment and Alternative Care

131. For the most part, the provinces and territories of Canada have jurisdiction over family law, the regulation of social welfare agencies and the administration of the court. Issues of custody and visiting rights come under federal jurisdiction to the extent that they arise in the context of divorce. The federal government also has jurisdiction over immigration and criminal law.

132. Aboriginal people and the lands reserved to them also fall under federal jurisdiction. However, Aboriginal communities are taking more control over laws related to the family environment and alternative care through self-government agreements.

A. Parental guidance and
B. Parental responsibilities – Articles 5 & 18 (1-2)

Measures in Force

133. The Government of Canada spends approximately $1 billion for parental and maternity benefits under the *Employment Insurance Act* (EI). The Act provides 15 weeks of maternity benefits to new mothers and a total of 10 weeks of parental benefits (with 5 additional weeks for special needs) to the mother or father, or to both, who have accumulated at least 700 hours of insurable employment in the 52-week period preceding their claim for benefits. These benefits are applicable to parents of newborns or newly adopted children. Under EI, a claimant receives a weekly benefit of 55 percent of his/her insured earnings up to a maximum of $39,000 per year.

134. In addition, beginning in January 1997, a claimant with children whose family income is less than $25,921 and who receives the Child Tax Benefit receives a "top up" of maternity and

parental benefits up to 65 percent of insured earnings. This benefit rate will increase by 5 percentage-point increments each year, to 80 percent in 2000.

135. The Government of Canada provides resources to the provinces and territories to help with the implementation of new *Child Support Guidelines* (CSG) and to support innovative measures to collect court-ordered child support payments. The federal *Child Support Initiative* further complements these measures with programs to reduce the level of conflict between parents in determining and enforcing child support awards. As part of these efforts, the federal government has worked in close cooperation with a number of provinces and territories to develop and/or enhance parent education programs. These programs, which may be voluntary or mandatory, use a variety of delivery methods including printed materials, information sessions, videos and education curricula for children.

136. The *Military Family Services Program*, formerly the Military Family Support Program established in 1991, continues to deliver programs designed to meet the special needs of military families stemming from frequent postings and transfers. Consistent and coordinated family support are offered through services for children and youth, information referral, education and quality of life programs, crisis intervention and volunteer development. Program delivery is provided through 44 independent Military Family Resource Centres.

137. The *Postpartum Parent Support Program*, a community-based health and infant care information program, is described in detail in Theme VI.

138. Health Canada's *Nobody's Perfect* program targets parents with children up to age five who are young, single, low-income, socially or geographically isolated or who have limited formal education. The program gives parents accurate, up-to-date information on children's health, safety, development, behaviour and other information to increase confidence in parenting abilities. *Nobody's Perfect* program materials were recently updated and revised.

139. In partnership with Health Canada, Family Service Canada distributes *Welcome to Parenting: The First Six Years*, a video that provides key information and helpful tips for parents through a creative mix of parent and child interactions, parent interviews, skits and animation.

140. In 1996, the Women's Bureau of Human Resources Development Canada (HRDC) issued *Changing Families, Changing Workplaces*. This publication is designed to publicize innovative programs and policies that social workers and organizations have used in Canadian workplaces to support workers with family responsibilities and to give them greater flexibility. While HRDC remains interested in work and family issues, this does not continue to be a specific priority of the Women's Bureau.

Factors, Difficulties and Progress

141. The 1996 Employment Insurance reform changed the eligibility calculation method for all benefits from one based on weeks (minimum of 20 weeks at 15 hours per week required to be eligible) to one based on hours of insurable employment (minimum of 700 hours to be eligible).

Monitoring and Assessment Reports published annually have indicated that few maternity benefits claimants have been adversely affected by the change to the hours-based system. The Government will continue to assess the effects of changes to Employment Insurance regulations on maternity and parental benefits.

Government and NGO Cooperation

142. In partnership with the Canadian Living Foundation, the Canadian Broadcasting Corporation and Invest in Kids Foundation, Health Canada developed the "Get Set for Life" campaign. This national awareness campaign, which targets families, day care facilities and communities, focuses on the development of the child during the first 5 years, with particular attention to the importance of cognitive development. Program delivery is achieved through television and radio programs, magazine articles, posters, other print pieces, mall displays, and community forums.

143. Health Canada, through the Population Health Fund, is increasing the involvement of young fathers in parental education and has supported projects in the area of Fathering and Teen Parenting.

144. Through its Partnership Branch, CIDA supports NGOs that work to strengthen family environments for children. Pueblito is a Canadian NGO which works with NGOs in Latin America to provide quality child care, to support social service projects with local governments, and to improve and develop legislation for children that meets the standards of the Convention.

C. Separation – Article 9

Measures in Force

145. The *Divorce Act*, with respect to parental contact (section 16 (10)), has not changed since *Canada's First Report on the Convention on the Rights of the Child*. Case law suggests that most judges and parents are of the view that there should be regular and frequent contact with both parents unless such contact poses a risk to the child. Recent court examples held that "an access parent is entitled to share his or her lifestyle with the child unless this poses a risk to the child" (*Gordon v. Goertz*, 19 R.F.L. (4th 177, [1996] 2 S.C.R. 27; *Young v. Young* 49 R.F.L. (3d) 117; [1993] 4 S.C.R.) and that the "child is to have as much contact with each parent as is consistent with the child's best interests" (*McElroy v. McElroy*, [1996] W.D.F.L. 2188 (B.C.S.C.).

146. Status of Women Canada has released several research papers on custody and access, as well on topics such as child care and gender and social responsibility.

Factors, Difficulties and Progress

147. While custody and access cases continue to be decided according to the best interests of the child, there is no consistent definition of the principle. As a result, the "best interests test" continues to be criticized as being arbitrary and unpredictable.

148. The diversity of family structures (custodial and non-custodial parents, step-parents, members of common-law relationships, half siblings and step siblings) results in many children facing complex social relationships. The Government recognizes the links between the pressures of these relationships and ensuing pressures on other parts of children's lives.

Priorities and Goals

149. A Special Joint Committee of the Senate and the House of Commons on Child Custody and Access was established in 1997 with a mandate to assess the need for a more child-centered approach to family law policies and practices. Such an approach would emphasize joint parental responsibilities and child-focused parenting arrangements based on children's needs and interests. The Committee heard from over 500 witnesses.

Institutions and Mechanisms

150. Although the federal government has exclusive jurisdiction to legislate in the area of divorce, most family law initiatives depend upon federal/provincial/territorial coordination. The Federal/ Provincial/Territorial Family Law Committee was established to develop law reforms and make recommendations in a coordinated, multi-level fashion that recognizes the responsibilities shared between jurisdictions.

Governments and NGO Cooperation

151. Family Mediation Canada, with support from Health Canada, compiled an inventory of Canadian parenting education programs and resources, entitled *Families in Transition: Children of Separation and Divorce*. The list includes over 140 programs in every province, as well as videos, books and other resources for parents, social service workers and others. In another Health Canada-supported initiative, Family Mediation Canada is reviewing parent education programs across Canada in order to develop a best practices model.

152. Status of Women Canada provides financial and technical assistance to organizations working to advance gender equality at the community, regional and national level. Support has been provided for projects on custody, access and support issues, including strategies to educate and advocate for systemic change related to custody and access disputes, particularly in cases of abuse.

153. *Life Goes On*, a popular publication for families in transition, is currently being revised and updated with funding from Health Canada.

D. Family Reunification – Article 10

154. See Theme VIII—Special Protection Measures.

E. Illicit transfer and non-return – Article 11

Measures in Force

155. The *Criminal Code of Canada* includes the illicit transfer and the non-return of children as offences; section 279 (1) of the code provides for a penalty of life imprisonment for kidnaping where force is used.

156. Canada has ratified the *Hague Convention on the Civil Aspects of International Child Abduction*, which ensures that States Parties secure the prompt return of children wrongfully removed or retained and respect of parental rights of custody and access. (Canada will be required to modify its declaration as the new territory of Nunavut prepares to have the Convention apply to its jurisdiction).

157. An annual workshop conference brings together the agencies involved in the *Our Missing Children Program* from across Canada. The 1997 conference, hosted by Citizenship and Immigration Canada, focused on the international abduction of children and missing and exploited children. Participants included non-profit organizations, police forces, law enforcement officers from around the world including INTERPOL, the FBI, and the Belgium Gendarmerie, Irish Family Law Association, and UNICEF regional groups in Canada. Delegates to the conference learned of the work of the Canadian Consular offices, and the procedures to issue passports to children.

Factors, Difficulties and Progress

158. Parental abductions of children are a serious and growing problem in Canada. Statistics currently available do not distinguish between domestic and international abductions.

159. In November 1996, the Department of Foreign Affairs and International Trade (DFAIT), joined Revenue Canada, Citizenship and Immigration, and the Royal Canadian Mounted Police as a partner in the *Our Missing Children Program.* As part of its Consular Awareness Program, DFAIT publishes *International Child Abductions—A Manual for Parents.* It also provides information on the rights and responsibilities of countries which are signatories to the *Hague Convention*, as well as those countries which are not signatories, on issues of abduction of, and access to, children.

Priorities and Goals

160. In November 1997, the Parliamentary Sub-Committee on Human Rights and International Development convened to address issues related to international child abduction and to hear the concerns of governmental and non-governmental service agencies working in this field. The Sub-Committee released a report in 1998 of its findings, including a discussion of Canada's compliance with the provisions of the *Hague Convention on the Civil Aspects of International Child Abduction*. The Government's response to the report was tabled in November 1998 where

it endorsed or accepted eleven of fourteen recommendations, with some qualifications. It will be acted upon in the forthcoming reporting period.

F. Recovery of maintenance for the child – Article 27 (4)

Measures in Force

161. Child support and maintenance were identified as priority areas for attention in *Canada's First Report on the Convention on the Rights of the Child.*

162. The 1996 Federal Budget announced a child support reform package that included: child support guidelines; changes in the tax treatment of child support; redirection of the tax savings towards low income families with children; and improved measures for the enforcement of support orders.

163. The *Federal Child Support Guidelines*, which became law on May 1, 1997, were designed to protect children's right to an appropriate level of child support; reduce conflict between parents; reduce legal and court costs; and ensure that supporting parents with the same level of income pay the same amount. The Guidelines consist of a set of rules and tables for calculating the amount of support that a paying parent should contribute toward the support of his or her children.

164. The Guidelines changed the manner in which child support amounts are determined under the *Divorce Act*. The *Divorce Act* amendments provided the framework for the *Federal Child Support Guidelines*, while the guidelines themselves have been introduced through the regulatory process. Corresponding amendments to the *Income Tax Act* concerning the tax treatment of child support payments came into effect at the same time.

165. In 1997, amendments were made to the *Family Orders and Agreements Enforcement Assistance Act* (FOAEA). Part I of the Act provides for the release of information from specified federal databases (including Revenue Canada, Canada's income tax collection agency) to assist in locating a person in breach of court-ordered family support payments. The address of the support payer in arrears, as well as the name and address of the individual's employer, are the only information provided. Part II of the Act permits the garnishment of specified federal funds to satisfy support payments.

166. Part III of the Act establishes a mechanism by which federal licences can be denied to, or revoked from, parents who are in arrears of child support payments. Under the Act, a Provincial Enforcement Agency may apply to the Minister of Justice to request that certain federal licences, such as passports and specific aviation and marine licenses, be denied to a debtor who is in persistent arrears. The licence denial process requires that the Provincial Enforcement Agency prove that other enforcement measures have not been successful and that the debtor has failed to meet his or her support obligations for three payment periods or has accumulated arrears of at least $3,000.

167. Pursuant to the May 1, 1997 amendments, the Provincial and Territorial Maintenance Enforcement Programs are now permitted to electronically access the FOAEA enforcement services.

168. The *Garnisheed, Attachment and Pension Diversion Act* (GAPDA), which permits federal public service employees' salaries and pensions to be garnished for support enforcement purposes, was amended on May 1, 1997. It is no longer necessary to serve a notice of intention to garnish federal salaries, a change that simplifies the process and brings it into line with practices of the provinces, territories and private industry. An applicant for diversion of federal civil service pensions is no longer required to be living in Canada. The Courts have also been given authority to deal with the diversion of specific federal pension benefits in a more expedient manner. Under certain circumstances, pension diversion may occur beyond the previous maximum of 50 percent of a net pension benefit.

169. The Department of Justice Canada informs the public and members of the legal community about the child support laws through a toll-free information line, an Internet site, a number of publications including *Federal Child Support Guidelines: A Guide to the New Approach*; and *A Workbook for Parents*. The department also publishes a reference manual for lawyers and judges, which was recently expanded to include model case studies and additional articles by practitioners.

Factors, Difficulties, and Progress

170. Under the *Action Plan for children*, the Department of Justice Canada established a fund to provide resources to provinces and territories to improve child and spousal support enforcement programs. The financial assistance provided enhanced communications between jurisdictions, the testing of innovative projects and the implementation or updating of automated information systems. The five-year program ended March 31, 1996.

171. The *Report of the Joint Parliamentary Committee on Custody and Access*, completed in December 1998, references issues surrounding the *Federal Child Support Guidelines*. During its research, both Committee members and witnesses frequently commented on the Guidelines. In particular, fathers' groups and some Committee members linked the Guidelines to custody and access issues.

172. The Canadian Centre for Justice Statistics (CCJS), a division of Statistics Canada, is implementing the national Maintenance Enforcement Survey. To date, the CCJS has released a preliminary report containing data from three provincial jurisdictions.

173. Justice Canada is planing a number of studies and analyses to provide baseline information about the broader social context of the child support guidelines and enforcement initiatives. These studies will be based on Statistics Canada and Revenue Canada databases that contain information on divorce, separation, child and spousal awards, custody and access arrangements and the Canadian family in general.

Priorities and Goals

174. Section 28 of the *Divorce Act* requires the Minister of Justice Canada to prepare a report to Parliament on the substantive and functional aspects of the *Federal Child Support Guidelines* by May 1, 2002. During the Parliamentary hearings regarding the Guidelines, the Minister of Justice committed to consulting with the public on the research needed to prepare the report to Parliament. A program of empirical and legal research has been set in place to monitor the extent to which the Guidelines meet their stated objectives: to protect children's right to an appropriate level of child support; ensure that payers with the same level of income pay the same amount; reduce conflict between parents; and reduce legal and court costs.

175. The Department of Justice Canada participated in the development of specific questions on custody, access and child support for the family and custody history section of the *National Longitudinal Survey of Children and Youth (NLSCY)*. The report will be available in the Spring of 1999.

176. The Department of Justice Canada will be working with Family Mediation Canada, continuing legal education organizations, and public legal education and information organizations to develop materials and education and training programs on child support directed at lawyers, judges, mediation professionals, and special-needs parents and youth.

Institutions and Mechanisms

177. A Federal/Provincial/Territorial Task Force was established in 1996 to ensure effective implementation of child support reforms. The Task Force is responsible for implementing, monitoring and communicating legislative changes to Canada's child support system. This includes the introduction of federal guidelines to establish fairer and more consistent child support payments, and additional enforcement procedures to help provincial and territorial enforcement agencies ensure that family support obligations are respected.

178. The Funding Program component of the Child Support Guidelines Initiative contains 4 program elements: an implementation component; an enforcement component; public legal education, information and intermediary training; and professional training.

179. The Department of Justice Canada works with, and provides funding to, provinces and territories, non-governmental organizations and groups of professionals to assist in the implementation of child support reforms. Activities supported include: administrative changes, development, testing, monitoring and evaluation of innovative approaches; communications, public legal education and information programs; and professional development training activities. The department also helps non-governmental organizations develop and deliver professional training and public legal education and information materials. Funding provides a mechanism for gathering information on how legislation is implemented for future development of government and departmental policy, legislative and program changes.

180. The Department of Justice Canada established a network with the Departments of Finance and Revenue to obtain information on the tax treatment of child support and to facilitate access to information by provinces and territories. The Department of Justice Canada is also working with Human Resources Development Canada to determine how certain benefit payments will be dealt with under the Guidelines.

Government and NGO Cooperation

181. The Government of Canada recognizes the importance of establishing partnerships with non-governmental organizations to inform and educate the general public, stakeholders and divorced and separated parents. The Department of Justice Canada has established working relationships with Public Legal Education and Information (PLEI) organizations to ensure that information on the guidelines is developed and disseminated in a manner that meets various community needs. As well, the Department works with professional organizations, using their education programs and delivery mechanisms, to ensure that a wide range of professionals involved in child support issues are informed and educated on the guidelines.

G. Children deprived of their family environment – Article 20

182. Provincial and territorial governments have jurisdiction over alternative care for children.

183. The federal government provides income support of $1,020 per child in respect of children deprived of their family environment under the *Children's Special Allowances Act*. This amount will be increased by $250 per child by July 2000.

184. CIDA's humanitarian assistance work includes family reunification and alternative care for children where possible. Between 1995 and 1997, CIDA supported *Aide aux enfants traumatisés et non-accompagnés*, a project based in Northern Rwanda. Project objectives were to reintegrate unaccompanied children into family environments, encourage the adoption of children by Rwandan families, identify and treat traumatized children and train and organize specialized workers to provide traumatized children with adequate and continuing services.

H. Adoption – Article 21

185. Adoption falls within the jurisdiction of the provinces and territories.

Measures in Force

186. The National Adoption Desk, on behalf of provinces and territories (except Quebec), develops and implements working arrangements with other countries to safeguard the best interests of the child. Article 21 of the *Convention on the Rights of the Child* provides the guiding principles for its activities.

187. Under self-government agreements, Aboriginal communities are assuming greater authority on family law and adoption issues. For example, under a recently negotiated self-

government agreement, the Nisga'a First Nation's community governments will assume jurisdiction for child and family services including custody and adoption. The Nisga'a laws will be comparable to provincial standards and will include reciprocal arrangements between jurisdictions.

188. The *Hague Convention on Intercountry Adoption*, ratified December 1996 has entered into force for most provinces and territories. The Convention established a framework for cooperation between States Parties. The Convention allows each State Party to determine how it will be implemented within their jurisdiction. Implementation structures, legislation, regulations, and policies therefore vary from State to State, and Central Authorities (i.e. provinces) need to collaborate closely to ensure the objectives of the Hague Convention are met. In Canada, the Minister of Human Resources Development (HRDC) acts as the Federal Authority, and the National Adoption Desk carries out the responsibilities under the Convention.

189. Amendments to Canada's immigration regulations were required to bring them in line with the Hague Convention. These amendments, which came into force on April 1, 1997, provide that in intercountry adoptions, the Central Authorities of the receiving country and the country of origin must agree to a child's placement and that immigration requirements must be met before an immigration visa is issued.

Factors, Difficulties and Progress

190. Upon ratification of the *Convention on the Rights of the Child*, in consultation with national Aboriginal organizations, Canada entered a reservation to Article 21. This was done to ensure that recognition of customary forms of care among Aboriginal peoples in Canada, such as custom adoption, was not precluded by the requirement in Article 21, which states that adoptions be authorized by competent authorities, in accordance with applicable laws and procedures.

Priorities and Goals

191. The National Adoption Desk is giving priority to promoting the Hague Convention in Canada and abroad. It focuses on facilitating the cooperation among Central Authorities in Canada and, where required by provinces and territories, between Central Authorities in Canada and foreign Central Authorities.

I. Abuse and Neglect – Article 19

Measures in Force

192. In its *Concluding Observations on Canada's First Report*, the UN Committee on the Rights of the Child stated that further measures need to be considered to effectively prevent and combat all forms of corporal punishment and ill-treatment of children in schools or institutions where children may be placed. The Committee also referenced the existence of child abuse and violence within the family and insufficient protection afforded by existing legislation in that regard.

193. The *Criminal Code of Canada* contains several provisions to protect children and youth from all forms of sexual abuse, including: sections 151 (sexual interference), 152 (invitation to sexual touching), and 153 (sexual exploitation). Specific offenses in the *Criminal Code* concerning parents, guardians and householders include: sections 170 (parent or guardian procuring sexual activity), 171 (householder permitting sexual activity) and 172 (corrupting children).

194. The Family Violence Initiative (1991-1996) supported a wide range of activities including research, program development, demonstration projects, evaluation studies on existing programs, professional training, and public awareness and education. The current Family Violence Initiative (1997-2002) continues these activities through the funding of numerous information, training and evaluation projects.

195. Two components of the initiative are The National Clearinghouse on Family Violence and the Family Violence Prevention Unit. The National Clearinghouse on Family Violence provides support to front-line workers, health professionals, educators, law enforcement officials and others in the prevention and treatment of all forms of child abuse and neglect. Health Canada is the lead department on this initiative, and provides leadership in the prevention of family violence through the coordination of federal action and collaboration with voluntary and corporate sectors, national professional associations and provincial and territorial governments.

196. Since the 1970s, the Canada Mortgage and Housing Corporation (CMHC) has financed the building or renovation of shelters for women and children fleeing domestic violence. In 1992, in partnership with the Family Violence Initiative, CMHC launched the Next Step Program to provide capital funding for non-profit organizations to build second stage housing, provide transitional housing with more security, support services, and to permit longer stays than first stage emergency shelters for women who have left abusive domestic situations. During the five-year program, 174 second-stage units were developed.

197. A national consultation hosted by CMHC in 1994 indicated a need to ensure that existing shelters are safe and secure and that they address the special needs of children, persons with disabilities and older Canadians. In addition, a lack of shelters was identified in northern and remote regions. In response, the Shelter Enhancement Initiative (SEI) was established to renovate and upgrade existing shelters and to develop a limited number of new emergency and second stage units. Between 1995 and 1997, CMHC directed the enhancement of 4,448 bed/units and the development of 61 emergency beds and 22 second stage units. Additional federal funding extended the SEI project to March 31, 1998.

198. The Department of Indian Affairs and Northern Development (DIAND) and Health Canada provide funding for First Nations family violence prevention projects on reserves. In 1996-97, DIAND funded 321 projects in this area.

Factors, difficulties and progress

199. In its *Concluding Observations,* the UN Committee on the Rights of the Child asserted that existing Canadian legislation does not adequately protect children from abuse and neglect. The Government of Canada's view is that in addition to the protection provided in criminal legislation, all provinces and territories have child welfare legislation that permits authorities to remove a child from a home when in danger of physical or emotional abuse, including neglect. The Government of Canada has been seeking to reinforce and clarify protection under the *Criminal Code.*

200. The *Criminal Code* applies to actions taken against children as well as adults. However, s. 43 of the *Criminal Code* permits a parent, teacher or person acting in the place of parent to invoke a defence to a criminal charge where the parent, teacher or adult acting in place of the parent uses reasonable force against a child by way of correction. A non-government organization, Canadian Foundation for Children, Youth and the Law, has received funding from the government-funded Court Challenges program to apply to a Canadian court for a determination as to whether s. 43 of the *Criminal Code* infringes children's constitutional rights under the Canadian Charter of Rights and Freedoms.

Priorities and Goals

201. Health Canada continues to promote research on alternative methods of punishment and also works, through various media, to increase public awareness of family violence. A current example of the latter function is the Family Violence Prevention Unit's funding of a music video for children and adults on the subject of alternatives to corporal punishment.

202. Health Canada is also supporting the development of the *Canadian Incidence Study of Reported Child Abuse and Neglect* (CIS), which studies the incidence of several types of abuse. Also, through the Reporting and Classification of Child Abuse in Health Care Settings Project, the department has supported research on the ways in which selected Canadian pediatric hospitals classify and report child abuse.

203. In June 1997, DIAND and CMHC announced they would jointly fund the capital costs of building 10 new family violence emergency shelters across the country. They expect the centres to be in operation by the end of 1999.

Government and NGO Cooperation

204. The Child Welfare League of Canada, with financial support from Canadian Heritage and Health Canada, has developed resources to promote healthy parenting and disseminate information on child abuse in 11 languages. The brochures were distributed to organizations that provide family services to ethnocultural communities as a way of helping parents better understand the Canadian system to protect children from abuse.

205. Status of Women Canada, a federal agency, provides funding assistance to organizations in support of advancing gender equality, including those which support actions and strategies that address the impact of family violence on girls. These initiatives include public education activities and the development of action plans aimed at preventing sexual abuse, workshops in schools to address issues such as dating violence and sexual harassment and protocols to improve community responses to the needs of girls. For example, the agency has provided financial support under the Family Violence Initiative to an alliance of 5 research centres on family violence and violence against women. The funding supports the alliance in its development of recommendations for a national strategy for the prevention of violence to female children.

206. The Government of Canada is allocating $2.75 million per year to a non-governmental group to cover legal costs associated with cases of national significance in further defining the nature and extent of constitutionally-based rights contained in the Canadian Charter of Rights and Freedoms. Cases encompass issues such as the aforementioned issue of corporal punishment of children, the right to education in a minority official language, and protection of children with disabilities, among others. The government's objective is to contribute to an up-to-date body of legally-protected individual rights, with special attention being paid to traditionally disadvantaged segments of our society.

207. Health Canada supports a range of activities to improve understanding of child abuse and its health consequences, to identify best practices through research, data gathering and evaluation activities. Moreover, Health Canada promotes increased public and professional awareness, particularly in the health field, about the causes and consequences of child abuse. Participation in these activities is ongoing with a number of advisory groups.

VI. Basic Health and Welfare

208. In Canada, responsibility for services to improve the basic health and well-being of Canadians is shared between the federal, provincial and territorial governments.

209. Provincial and territorial governments are responsible for the delivery of Canada's health care and hospital services. In partnership with provincial and territorial governments, the Government of Canada provides national leadership to develop health policy, test ways the health care system can be improved, enforce health regulations, promote disease prevention and enhance healthy living for all Canadians. The federal government also ensures that health services are available and accessible to First Nations and Inuit communities. It also works closely with other agencies and health stakeholders to reduce health and safety risks to Canadians.

210. With regard to the range of social services, including income security, child and family services, employment insurance, services for disabled persons and housing services, responsibilities are shared between governments, and are described in greater detail throughout this chapter.

211. The federal government shares in the cost of these health and social services through annual Canada Health and Social Transfer (CHST) allocations. The 1996 Federal Budget

introduced the Canada Health and Social Transfer (CHST), replacing both the Canada Assistance Plan (CAP) and Established Programs Financing (EPF). Under the CHST, federal funds which support post-secondary education, health, social services and social assistance are transferred to the provinces and territories in a block fund. Compared to previous program-specific approaches, the CHST allows provinces and territories to allocate resources at their discretion directly into the areas which they have identified as in need. The CHST also increases provincial/territorial flexibility in the development and delivery of social programs, including child care and services for disabled children. As under the Canada Assistance Plan, the CHST continues to permit provinces and territories to establish welfare rates and eligibility criteria.

212. The CHST includes a five-year funding arrangement through which fiscal transfers are maintained and then increase according to a formula tied to GDP. For 2000-01, entitlement will grow at 2 percent less than the growth rate of GDP. The rate of entitlement growth will then accelerate in 2001-02 and 2002-03 to 1 percent less than the growth rate of GDP. The resumption of entitlement growth is designed to first stabilize, and then restore the CHST cash component. To provide additional security, legislation has set a minimum transfer level throughout the five-year fiscal arrangement.

213. Aboriginal communities are taking more control over the governance of their membership, including such matters as the design and delivery of health and welfare services and programs. The Government of Canada is facilitating this through the *Inherent Right Policy* described in this Report under *General Measures of Implementation*. In response to the recommendations of the *Royal Commission on Aboriginal Peoples* and the Government's *Gathering Strength Action Plan*, this policy framework is being adjusted to stress the renewal of government-to-government relationships with Aboriginal communities. Emphasis is placed on strengthening Aboriginal governance through capacity-building in the transition to self-government.

A. Disabled Children – Article 23

Measures in Force

214. The *Vocational Rehabilitation of Disabled Persons Act* (VRDP) enabled the Government of Canada, under time-limited agreements, to contribute 50 percent of approved costs incurred by provinces and territories in providing programs to enable persons with disabilities to pursue employment. The VRDP has been replaced by a considerably enriched *Employment Assistance for Persons with Disabilities* (EAPD) program, funding for which was increased starting in 1998-99.

215. From 1991 to 1996, the *National Strategy for the Integration of Persons with Disabilities* funded the identification, development and dissemination of model programs and policies to deal with the needs of children with disabilities in daycare, child care and school settings. Work is now underway on the *Federal Disability Strategy*, which will focus on laying the foundation for sustained action towards a vision of full participation for people with disabilities.

216. The federal government has announced a number of new tax-related initiatives to help disabled persons, including disabled children. First, tax assistance for the care of infirm dependents has been increased by close to 50 percent. Also, a number of new tax measures have been introduced to reflect disability costs (including those related to children). The list of expenses eligible for the medical tax credit has been broadened, the $5,000 limit on attendant care expenses has been removed, and entry of goods designed for the use of persons with disabilities will be duty free. Further, existing homeowners have been provided with tax assistance to purchase a more accessible home or a home for a disabled dependent relative, and the service of providing temporary care to a disabled person who has limited means of self supervision or self-care, will be exempt from the federal value-added tax. In addition to these tax measures, grants for students with disabilities have been introduced to better enable them to pursue their studies.

217. Many federally-sponsored housing programs include special provisions for persons with disabilities. A significant proportion of non-profit dwellings house people with physical disabilities, and many of these units incorporate special design features. Priority is given to making shelters accessible to women with disabilities and funding units suitable for people using wheelchairs. These programs not only help those children who have disabilities, but also help to keep disabled family members within a domestic setting.

218. Since 1981, the *Rehabilitation Residential Assistance Program* (RRAP) *for Persons with Disabilities* has provided loans and grants to cover the cost of major home modifications or repairs that assist in independent living. This program is available to all persons with disabilities, including children. Funding for the RRAP program has been extended to 2003.

219. Parents of children with disabilities are entitled to 4 tax credits: the disability tax credit, the medical expense tax credit, the refundable medical expense tax credit, and the child care expense deduction.

220. CIDA contributes to efforts to eliminate iodine deficiency disorder which is the most common nutritional disorder in the world and causes mental impairments in children. In 1996-1997, the Asian Regional Iodine Deficiency Control Project supported programs in Bhutan, Cambodia, China, India, Indonesia, Laos, Maldives, Myanmar, Nepal, Pakistan, Sri Lanka, Thailand and Vietnam.

Factors, Difficulties and Progress

221. The 1998 Federal Budget increased the *Canada Study Grant for Students with Disabilities*, which covers exceptional costs related to permanent disabilities, including tutors, interpreters and special equipment.

222. While a range of national measures exist for data collection and analysis related to health and well-being, some of which include information on disabilities, there is no national collection, synthesis and analysis of data and information related specifically to children with disabilities.

223. Improved knowledge and technology has meant that more children survive chronic disabilities such as cystic fibrosis, muscular dystrophy and cerebral palsy. The number and level of services required to address the needs of these children and their families will likely increase as they seek to improve their living conditions.

224. Improved knowledge of early fetal and infant development is likely to lead toward the identification of a greater number of genetic and biological links with developmental disabilities. Accordingly, there is a need to set safeguards against the potential dangers of genetic screening and genetic therapy. Possible concerns include freedom of choice of the individual and privacy. The ethical and legal aspects of confidentiality should be addressed because genetic information is both an individual and a family concern.

Priorities and Goals

225. In 1996, the government appointed the Federal Task Force on Disability Issues to consult with the disability community and develop recommendations for future policy directions. An initial outcome of the task force was the extension of the *Vocational Rehabilitation of Disabled Persons Act* (VDRP). The 1997 federal Budget further reflected 2 key findings of the task force: tax reform to better reflect the cost of a disability, as well as measures to reduce barriers to employment for people with disabilities. Many of the recommendations of the task force have been implemented (see "Progress" above).

226. *In Unison*, a federal/provincial/territorial initiative, sets out a vision and policy framework for the full participation of persons with disabilities in all aspects of Canadian society.

Institutions and Mechanisms

227. The Office of Disability Issues (ODI), within Human Resources Development Canada (HRDC), works to ensure the equitable access and effective participation of Canadians with disabilities in all activities within federal jurisdiction. While HRDC does not have a specific program or service mandate with respect to children with disabilities, ODI does have a mandate to look broadly at the implementation of human rights measures as they apply to all persons with disabilities, including children.

Government and NGO Cooperation

228. Health Canada, with the Active Living Alliance for Canadians with a Disability (ALACD) and its partner organizations, provides teachers with materials that facilitate the inclusion of students with disabilities in physical activity programs of schools. In partnership with the provincial and territorial Ministries of Education, ALACD provides classroom tools to teachers and promotes awareness of the program.

229. In collaboration with the Government of Canada, the Learning Disability Association of Canada developed 2 manuals of resources, materials and techniques for parents of children with learning disabilities.

230. The Open House Program of the Department of Canadian Heritage provides funding to NGO's to organize reciprocal group exchanges. Special consideration is given to certain target groups, among which is "youth with disabilities".

B. Health and Health Services – Article 6 & 24

Survival and Development – Article 6

231. Research on child development has shown that the well-being of a child in the first few years of life has a long-term impact on health, cognitive capacity, coping skills and socialization. Accordingly, the Government of Canada is committed to giving children a better start in life through prevention and intervention programs designed to address conditions of risk during the earliest years of a child's life.

232. In addition, federal, provincial and territorial governments, with the support of an active voluntary sector, provide a range of health and social services designed to provide Canadian children with optimal conditions for growth and development.

Measures in Force

233. The *Community Action Plan for Children* (CAPC) enables communities to design and develop programs to address the health and development needs of children from birth to age six. CAPC focuses on children at risk, including children living in low-income families, children living in teenage-parent families, children experiencing developmental delays, social, emotional or behaviourial problems, or abused and neglected children. More than 350 CAPC projects serve 56,000 children and their parents each week. CAPC is jointly managed by the federal, provincial and territorial governments through a series of protocols.

234. The impact and benefits on the health and social development of children from CAPC programs are monitored through an on-going evaluation process at the national, regional and local levels. CAPC projects are evaluated through a variety of methodologies, including observation and epidemiological studies.

235. The Canada Prenatal Nutrition Program (CPNP) provides resources for community-based groups to develop or enhance programs for pregnant women who are at risk due to poor health and nutrition. Projects supported by CPNP include food supplementation, nutrition education and counselling services on issues such as alcohol abuse, stress and family violence. In 1999, there were 280 projects across Canada and in 400 First Nations and Inuit communities. Additionally, the program will be expanding and the number of women served will grow from approximately 20,000 per year to 35,000.

236. The 1997 Federal Budget expanded the CAPC and the CPNP by providing additional funding over 3 years starting in 1997-98. In turn, the 1999 Federal Budget increased funding for the CPNP over three years. The additional funding announced in 1999 will help expand the reach and number of CPNP projects. As a part of the CPNP, the government will increase its

prevention and public education efforts for Fetal Alcohol Syndrome (FAS) and Fetal Alcohol Effects (FAE) in cooperation with provincial and territorial governments, First Nations and Inuit communities and other NGOs and community organizations. The capacity of the Canadian Perinatal Surveillance System (CPSS), which collects, analyzes and reports data about the health of pregnant women, mothers and infants, will also be increased as part of the ongoing evaluation of the CPNP.

237. In the *Concluding Observations* to *Canada's First Report on the Convention on the Rights of the Child*, the Committee on the Rights of the Child gave special emphasis to Aboriginal health programs. In the present reporting period, the Government of Canada has developed and supported the *Aboriginal Head Start* (AHS) program, an early intervention initiative that addresses the needs of Aboriginal children living in urban centres and northern communities. Early intervention typically includes parental involvement, early childhood and nutrition education and other social services for children and families. For example, resources from this program have been used to support 98 pre-school early development centres serving 3,500 First Nations, Inuit and Métis children ages 0-6. The centres focus on school readiness and include cultural and language components.

238. In 1995, *National Guidelines for Childhood Immunization Practices* were drafted by the National Advisory Committee on Immunization (NACI) following an extensive consultation process. The guidelines are an integral part of achieving Canada's goals and targets for vaccine-preventable diseases of infants and children. Their purpose is to achieve a standard of practice that will ensure vaccines are handled properly and delivered to all children as recommended by provincial and territorial programs.

239. Immunization practices have had a positive effect on child health in Canada. For example, the Hib conjugate vaccine, which since 1992 has been routinely given to infants, has reduced the incidence of infant meningitis by 85 percent. In 1996, the introduction of a two-dose measles vaccine program has significantly reduced the transmission and incidence of measles.

240. Health Canada has strengthened national surveillance and risk assessment; targeted research in the areas of vaccine efficacy; undertaken cost benefit studies of various prevention strategies; completed vaccine comparisons; and conducted investigations of adverse events. A national public health goal for the elimination of measles by the year 2005 has been established and a consensus conference was held on the development of computerized immunization registries.

Factors, Difficulties and Progress

241. Funded by Health Canada's Women's Health Bureau, the *Adolescent Girls and Young Women Health Strategy* is a research project of the British Columbia Centre of Excellence for Women's Health. The project aims to develop innovative approaches for empowering adolescent girls and young women through their participation in and direction of research that addresses their health issues. Another goal of the project is to produce a research protocol that addresses the

difficult ethical and jurisdictional issues involved in researching children and youth, particularly young women.

242. The Government of Canada is using extensive national and international surveillance networks to create a picture of child health risks, patterns and trends across Canada. Health Canada collects data on the identification, investigation, prevention and control of diseases as well as health policy information from various agencies, programs and jurisdictions. The information is used for disease prevention and control, as well as for policy development.

Aboriginal Children

243. Generally speaking, children in Canada enjoy a healthy start in life. However, despite significant gains, the majority of Aboriginal children still fall below the Canadian average in a range of child health indicators. This discrepancy is a concern for the Government of Canada and is the focus of a number of initiatives for Aboriginal peoples.

244. The First Nations and Inuit component of the *Brighter Futures Initiative* (BFI) provides funds for community-based mental health and child development initiatives. The government also provides funding and technical expertise to communities through the Indian and Inuit Healthy Babies Program. Moreover, it assists in the development of community programs in the areas of parenting skills, childhood injury prevention, youth activities, community mental health programs, solvent abuse and prenatal nutrition.

245. The *Building Healthy Communities* (BHC) initiative, launched in 1994-95, continues to enhance and expand existing health programs and respond to urgent needs of First Nations and Inuit peoples. It addresses priorities in the areas of mental health, solvent abuse, and home care nursing and includes a transfer strategy to facilitate community control of health resources.

Priorities and Goals

246. The Government of Canada is committed to expanding the current Aboriginal Head Start Program to serve on-reserve populations. It is expected that more than 120 First Nations communities will operate Head Start programs.

247. The Government of Canada has established national surveillance networks to collect, analyse and disseminate health information on cancer, youth risk behaviour, perinatal health, child abuse and neglect, diabetes and asthma. The networks include the First Nations Health Information System, the National Health Surveillance System and the Canada Health Information System.

Institutions and Mechanisms

248. The Department of Indian and Northern Affairs Development, Health Canada and Human Resources Development Canada, in partnership with First Nations, are responsible for most social and health-related programs on reserves. These 3 departments are committed to

coordinated program design, delivery and communication to improve the well-being of First Nations and Inuit children and youth.

Government and NGO Cooperation

249. The Canadian Institute of Child Health (CICH) is a national non-profit organization dedicated to improving the health and well-being of children and youth in Canada. In 1997, CICH published *The Canadian Girl Child: Determinants of the Health and Well-being of Girls and Women*, which examines growing up female in Canada. As a follow-up activity, CICH is developing a project for a "Girl Child Electronic Network" in Canada and overseas. The network will provide an educational and informational resource for young women and health care and social service providers. Partners in this project include Health Canada's Women's Health Bureau, World Vision Canada, Save the Children Canada, Foster Parents Plan of Canada and the Christian Children's Fund of Canada.

250. In 1996, Health Canada and the Canadian Pediatric Society released the *Joint Statement on Prevention of Fetal Alcohol Syndrome (FAS) and Fetal Alcohol Effects (FAE) in Canada*, the product of 19 national voluntary associations representing medical, nursing and midwifery disciplines, and Aboriginal and multi cultural groups. The statement provides relevant and factual information to guide health professionals in the treatment and counselling of women, their partners and families with respect to alcohol intake during pregnancy.

251. In cooperation with the Aboriginal Nurses Association and under the guidance of a National First Nations Working Group, Health Canada developed *It Takes a Community*, a resource manual on Fetal Alcohol Syndrome/Fetal Alcohol Effects (FAS/FAE) prevention strategies for community workers. The government has integrated these strategies into community-based initiatives such as the Canada Prenatal Nutrition Program, the National Native Alcohol and Drug Abuse Program and the First Nations and Inuit Component of Brighter Futures Initiative.

252. Health Canada, the Association of Canadian Distillers and the Brewers' Association of Canada, in partnership with the Canadian Centre on Substance Abuse, provide support for a national resource centre on FAS/FAE. This service, accessible by a toll-free number, was implemented in April 1994, and provides expertise as well as information about support groups and prevention projects on FAS/FAE.

253. In Canada's *First Report on the Convention on the Rights of the Child*, the federal government identified prenatal nutrition as a priority area. In 1998, the Canadian Pediatric Society, Dietitians of Canada and Health Canada released *Nutrition for Healthy Term Infants*, a new national statement on nutrition for healthy term infants from birth to 24 months. The document summarizes the existing scientific literature on infant nutrition and presents principles and recommendations to help health care professionals promote optimal, evidence-based nutritional care for infants in Canada.

254. The appropriate dosage and use of both prescription and non-prescription drugs is an important consideration for children's safety and well-being. In 1996, Health Canada, the Canadian Pharmaceutical Association and the Canadian Pediatric Society jointly reviewed the labeling of selected drugs, resulting in revisions to the directions for use of some drugs for children.

255. In 1996, Health Canada and the Canadian School Boards Association produced a joint publication, *Anaphylaxis: A Handbook for School Boards*. This resource provides guidance to schools in developing policies to manage issues around serious allergic reactions to foods, and has been broadly promoted across Canada.

256. In 1995, the Canadian Institute of Child Health and Health Canada published the *Survey of Routine Maternity Care and Practices in Canada*. The report provides updated and expanded baseline data related to pre-natal, maternal and infant health.

257. In 1992, Health Canada, in conjunction with community organizations, developed the *Canadian Children's Safety Network*, to help reduce the incidence of injuries to children under the age of seven, especially among disadvantaged and Aboriginal peoples. The Network strengthens existing injury prevention initiatives, enhances partnerships, provides a wider forum for the exchange of information and increases public awareness. The Network's electronic component was developed from 1994 to 1996.

Health and Health Services – Article 24

258. Total health expenditures (public as well as private) in Canada represent 9.0 percent of GDP in 1997, a decrease from 9.2 percent in 1996. The latest data indicate that in 1998, this trend was reversed: 1998 expenditures as a share of the economy increased slightly to 9.1 percent. Public sector health expenditures grew 3.7 percent from 1997 to 1998, up from an increase of 1.5 percent between 1996 and 1997, and 0.2 percent between 1995 and 1996.

259. The Canadian health care system ensures that all residents of Canada have reasonable access to insured health care services on a prepaid basis. The system is an interlocking set of provincial and territorial health insurance plans, resulting from the constitutional assignment of most aspects of health care to the provincial/territorial level of government. The federal government assists in the financing of provincial/territorial health care services through the *Canada Health and Social Transfer* (CHST).

260. The *Canada Health Act* (CHA), passed by Parliament in 1984, is the cornerstone of the Canadian health system, affirming the federal government's commitment to a universal, comprehensive, portable and public administered health insurance system. The CHA aims to ensure that all residents of Canada have access to necessary health care on a pre-paid basis.

261. The federal government is committed to increasing transfers to provinces and territories for strengthening health care for Canadians. The 1998 budget increased the amount of the transfers under the CHST by $7 billion over 5 years (1997-98 to 2002-03). In addition, the

1999 budget increased the transfers by $11.5 billion over 5 years starting in 1999-2000, specifically for health care.

262. Since the mid-1980s, the Government of Canada has worked to transfer resources for community health programs and the operation of health facilities to Aboriginal community administration. There are now 107 signed transfer agreements (representing 209 communities) and over 265 First Nations communities are in the planning stages of transfer.

Measures in Force

263. The *Hazardous Products Act* empowers the Government of Canada to regulate or ban products that present a danger to the health or safety of Canadians, including children. The Product Safety Program of Health Canada regulates and provides information on the safety of toys, children's furnishings, children's clothing, household products, child-resistant closures on chemical products and child-resistant lighters. The program also provides public education and information programs on product safety issues. Health Canada encourages the development of voluntary industry standards for children's products.

264. The *Tobacco Act* came into force on April 25, 1997. The Act governs the manufacture, promotion, labeling and sale of tobacco products, and reflects the Supreme Court of Canada's 1995 ruling on tobacco advertising restrictions. A key component of the Act is to protect the health of young people by prohibiting sales of tobacco to minors.

265. The Tobacco Demand Reduction Strategy (TDRS), initiated by the Government of Canada in 1994, specifically targeted youth for tobacco prevention, protection and cessation activities. Under the 1996 Tobacco Control Initiative (TCI), the strategy was enhanced and extended for a five year period. Key components of the initiative are legislation and regulation, enforcement, research and public education. The public education component aims to improve the overall health and quality of life of Canadians, especially young Canadians, by reducing tobacco-caused illness and death through a balance of activities focused on prevention (helping non-smokers to remain smoke-free), protection (protecting the health of non-smokers), and cessation (encouraging and helping those who want to quit).

266. The TDRS also supports First Nations and Inuit communities in their efforts to reduce the non-traditional use of tobacco through prevention, education, awareness and research programs.

267. The *Canadian Environmental Assessment Act*, approved in 1995, is jointly administered by Health Canada and Environment Canada. Under the Act, federal departments and agencies are required to assess the environmental implications of all their projects. The Act also ensures that decision-making is a clear and transparent process that takes into consideration environmental, health and economic factors, and public concerns.

268. The Government of Canada has developed several programs and initiatives to help new parents make informed decisions about breast-feeding, including the Postpartum Parent Support Program, the Social Marketing Breast-feeding Strategy, and parent resources such as *10 Great*

Reasons to Breast-feed and *10 Valuable Tips for Successful Breast-feeding*. In 1995, the Health Canada *Study of Attitudes on Breast-feeding* provided an increased understanding of the attitudes, behaviours and experiences of women of childbearing age related to breast-feeding, and will guide the development of strategies to increase the initiation and duration of breast-feeding among women in Canada.

269. The *Postpartum Parent Support Program* (PPSP) is a community-based health promotion program designed to meet the educational needs of the parents of newborn children. The program provides clear, consistent answers to questions asked by parents, family members and health professionals. As outlined in *Canada's First Report*, PPSP materials are available in 15 languages in addition to English and French.

270. In its efforts to prevent, control and treat HIV/AIDS, the Government of Canada actively supports the sharing of best practices among health and social service providers. It also supports a strong, Canada-wide, community-based infrastructure that responds to the changing face of HIV/AIDS, including education and prevention resources for children and youth, First Nations and Inuit communities.

271. The Government of Canada monitors childhood illness, injury, death and associated risk factors, such as sexually transmitted diseases (STDs) through national surveillance and assessment programs. For example, the Canadian Hospital Injury Reporting Prevention Program (CHIRPP) collects and analyzes data on injuries and poisonings from the emergency departments of 16 hospitals across Canada, both pediatric and general. Since 1990, CHIRPP has collected data on injuries sustained at sporting and leisure activities, daycare centres and the home. Surveillance data is used in public health, clinical practice, health advocacy and research settings to develop and evaluate policies and programs.

272. In its 1999 Budget, the Government of Canada announced that it is working with Aboriginal stakeholders to develop an *Aboriginal Diabetes Strategy*, which will include an emphasis on diabetes among children. The strategy will address the training of health professionals, the tailoring of services including prevention, diagnosis and treatment, and the strengthening of research in this area.

273. Although legislation requiring the use of child restraints for children under 20 kg in motor vehicles is a provincial and territorial responsibility, Transport Canada is responsible for the Child Seats and Restraints for Vehicles Program under the *Motor Vehicle Safety Act*. This program regulates child restraint systems, provides information on correct use, and issues notices of defective seats.

274. The Canadian Agricultural Injury Surveillance Program (CAISP) is a national program funded through the Canadian Agriculture Safety Program (CASP) of Agriculture and Agri-Food Canada and administered by community-based agencies within each province. The main purpose of the CAISP is to collect and interpret information on agricultural injuries from across Canada. In October 1998, the CAISP released the report entitled *Fatal Farm Injuries in Canada, 1991-1996* and in March 1999, released *Hospitalized Farm Injuries in Canada, 1990-1996*.

International Cooperation

275. CIDA makes a significant contribution to improving the health of children in developing countries and countries in transition in Central and Eastern Europe. Adopted in 1996, CIDA's *Strategy for Health* has identified children's health and nutrition as key objectives. It outlines initiatives to strengthen primary health care, fully immunize every girl and boy to protect against diseases such as polio and measles, reduce child malnutrition and eliminate micro nutrient deficiencies, promote reproductive health, and strengthen health promotion and education for children and adolescents through school-based programs. The *Strategy for Health* provides guidance for CIDA's programs branches in designing and assessing programs and projects in the health sector, as well as in other sectors, within the context of overall strategies to support sustainable human development.

276. CIDA is the lead bilateral donor in the fight against micro nutrient malnutrition. This assistance is contributing to the elimination of iodine deficiency through salt iodization and vitamin A deficiency through the distribution of vitamin A capsules during national immunization days. It will also facilitate integrated child health and nutrition programming, including child health days, to ensure high cost effectiveness through development assistance. Among its initiatives to reduce micro nutrient malnutrition, CIDA has contributed to the Global Vitamin A Project, the South Asia Micro nutrient Commodities Project, the Micro nutrient Commodities Project, the Food Fortification Research and Development Project, the MICAH Project, and the Nutrition and AIDS project. CIDA works closely with multilateral institutions such as the Micro nutrient Initiative and UNICEF on these efforts.

277. CIDA is concerned that many countries of the world are experiencing alarmingly high rates of maternal and infant morbidity and mortality. From 1988 to 1998, through the Pan-American Health Organisation, CIDA worked on the *Perinatal Health Care Project* with communities and health workers in Latin America to develop innovative tools, technologies and training in an effort to decrease maternal and infant morbidity and mortality in areas from peri-urban slums to rural agricultural communities.

278. The HIV/AIDS pandemic is another crucial health issue that CIDA is addressing. For example, CIDA is supporting the *Role of Nutrition in Reducing AIDS—Vitamin A Zvimbato Trial Project* in Harare, Zimbabwe to determine whether a single high dose of vitamin A to the mother and/or her infant can decrease HIV transmission during breast-feeding. The project began in 1997 and is expected to be a six-year project. This research is important because it seeks to preserve breast-feeding especially in countries where women lack access to food supplements and the hygienic conditions needed for formula preparation. Balancing the rights of women and infants under these difficult circumstances is a complex process and CIDA is assisting research to better address these issues.

279. Beginning in 1995, phase II of the *SADC AIDS Training Program* is another innovative project supported by CIDA in the area of HIV/AIDS. The project aims to promote and assist community-based prevention, support, coping and care responses to the HIV/AIDS epidemic in Southern Africa. Particular attention is given to those most vulnerable to HIV/AIDS and

promoting peer education, HIV prevention, psycho-social health and community care and advocacy. Phase II will be completed in 2001. The *Whole Child Health Project,* undertaken in Zambia in 1997, also supported poor children by aiming to reduce their vulnerability to hunger, illiteracy, HIV/AIDS and other diseases, especially orphans and to provide HIV/AIDS prevention knowledge to them.

280. Canada is the lead government supporting international tobacco control. This is important for children's health for the following reasons: children born of smoking mothers are often smaller compounding the problem of low-birth weight in developing countries; children exposed to tobacco smoke have more respiratory infections; and children are being targeted aggressively by tobacco companies.

281. Finally, CIDA is providing high quality reproductive health services for women and girls. In Latin America, in partnership with Planned Parenthood Federation of Canada, CIDA is focusing its efforts on adolescents in a project strategy that recognizes that young people need to gain the knowledge, attitudes and skills that become the foundation for healthy adulthood. The project, *Adolescent Sexuality & Reproductive Health* runs from 1997-2000. It fosters innovative approaches to family planning and reproductive health, especially targeting adolescents to help them make informed decisions.

Factors, Difficulties and Progress

282. Improvements in medical treatments, living conditions, and infectious disease control have contributed to the improved overall health of Canadians, including children. According to *Toward a Healthy Future: Second Report on the Health of Canadians*, a joint initiative of the federal, provincial and territorial governments, Canadians today generally live longer, fewer infants die in the first year of life and death rates from certain diseases are in decline. However, this standard of health is not shared equally by all Canadians. Life expectancy is affected by level of education, income and gender. In addition, there is increased awareness that children's health may also be threatened by emerging environmental risks such as persistent organic pollutants, pesticides, as well as airborne and waterborne pollutants.

283. From 1992 to 1997, Health Canada, the Department of Justice Canada, Solicitor General/Royal Canadian Mounted Police, and the Department of Canadian Heritage participated together in the Child Development Initiative (CDI). This initiative consisted of 33 programs aimed at children at risk due to poverty, poor health and nutrition, mental health problems, developmental problems, disability or injury, or abuse and neglect. A post-program evaluation showed that while the mandate and objectives of the initiative were relevant and funded activities did make a contribution to reducing the risk factors, more rigorous interdepartmental coordination would have led to clearer policy development.

284. During the reporting period, the Government of Canada worked with provincial and territorial health departments and NGOs to develop goals to safeguard and improve the health and well-being of all children and youth in Canada and to enhance the quality of life for children and families. The document *Turning Points* sets out 8 national goals for healthy child

development and contains a strategic plan that necessitates cooperation among federal departments, NGOs and the private sector.

285. Canada maintains a partial compliance rating with the *International Code of Marketing of Breast-milk Supplements*. All Canadian jurisdictions have agreed that the Code in Canada be implemented through collaboration, education and health promotion rather than through legislation and regulation. Health Canada also initiated the development of a coalition, The Breast-feeding Committee for Canada, whose membership is composed of national health and professional organizations and associations as well as government and individual breast-feeding experts.

286. The overall prevalence of smoking in the Canadian population has decreased over the past 30 years. An evaluation of the Tobacco Demand Reduction Strategy (1994-1997) concluded that a wide range of factors influence and reinforce smoking by youth, and that traditional approaches to tobacco cessation and prevention among youth are not always the most effective. Subsequent prevention and cessation efforts will build on these findings by considering the influence of peers in young peoples' decision to smoke or not and by including youth in the design and delivery of projects.

287. Tobacco consumption is an important factor affecting the health of girls and young women. The percentage of females aged 15 to 19 who smoke rose from 21 percent in 1990 to 31 percent in 1996. Research has shown that the initiation of smoking by girls and women is influenced by social pressures, the desire to lose weight or stay thin, and advertising that uses themes of sexual attractiveness and freedom. Smoking prevention and cessation programs targeted at young girls will need to consider these influences.

288. From 1992-97, Health Canada sponsored the *Action Plan on Health and the Environment* (APHE). Many of the activities, which included monitoring groups at risk and facilitating individual and community action and international liaison, had a child focus. Through APHE, the Government of Canada has identified strategic priorities in the control of toxic substances in the environment, assessment and management of bio-regional health effects, environmentally related disease surveillance and control, and community action and social marketing.

289. During the reporting period, the Government of Canada renewed other major programs to measure environmental impacts and protect the health of Canadians, including children. The *Great Lakes 2000 Initiative* has examined prenatal exposure to organochlorines and their neuro-behaviourial effects in newborns and the impact of organochlorine exposure on reproductive health. The initiative also developed a cancer atlas for residents of the Great Lakes Basin. Key programs related to Aboriginal people include the *Effects on Aboriginals from the Great Lakes Environment* (EAGLE) and the *Drinking Water Safety Program for Native People*.

290. The effect of environmental contaminants in air, water, soil, food and general consumption products on children's health is an important concern for Canadians. The International Joint Commission has noted that environmental issues are increasingly gaining public attention, scrutiny and active participation. While there is recognition that children are at

special risk compared with adults, much remains to be done to improve protection of children's health from environmental contaminants. Children are particularly vulnerable to environmental contaminants because they eat more food, drink more water and breathe more per unit of body weight than adults. Their particular development path (crawling, mouthing) also place them at greater risk of exposure from certain environmental contaminants.

291. The Government of Canada believes a healthy physical environment is important for children. The Canada Mortgage and Housing Corporation (CMHC) provides information on technical approaches to "healthy housing" that are practical and affordable. CMHC is a leader in research about housing for the environmentally hypersensitive and publishes *Building Materials for the Environmentally Hypersensitive,* a guide for home builders that includes information about building materials, humidity and temperature levels.

Priorities and Goals

292. The *National Forum on Health*, launched in 1994, examined the medium- to long-term issues facing Canada's health system to find innovative ways to improve the health of Canadians. The health and well-being of children and youth was given prominent attention within the Forum's presentations and recommendations. Some of Canada's leading experts discussed the issues of youth homelessness, childhood injuries, optimal development of youth, child sexual abuse and early childhood development.

293. Among the conclusions of its February 1997 report, the Forum found that improving the health and well-being of children is one of the best investments that can be made in health care. It placed special emphasis on investments in young children, and recommended a broad and integrated strategy of initiatives for children and their families. These recommendations focused on (1) programs for pregnant women and for children from birth to age 6, including home visits, high-quality child care and family-friendly policies, and (2) income support programs, including an integrated child benefit program and taxation policies that adequately reflect the costs of raising children.

294. The *National Forum on Health* also proposed the establishment of an Aboriginal Health Institute that would focus on Aboriginal health issues, serve as a support network for Aboriginal health workers in communities, provide an evidence-based approach to health research, and meet the needs of Aboriginal peoples through improved health information. The Institute would also share information within and outside Aboriginal communities.

295. The federal government continues to work in partnership with Aboriginal communities to delineate the scope and substance of the Aboriginal jurisdiction over health and to assist communities in assuming responsibility for health services.

296. In 1997, the Government of Canada announced its intention to create Centres of Excellence for Children's Well-Being. The vision of the Centres of Excellence is to enhance understanding of, and responsiveness to, the physical and mental health needs of children and the critical factors for healthy child development. The Centres will be given a mandate to ensure that

advanced knowledge is disseminated more broadly among families, community-based organizations, educators, health professionals, and government decision-makers, and to improve our understanding of children and what they need to develop in healthy ways.

297. The *Canadian Environmental Protection Act* (CEPA) underwent a parliamentary review in 1994-95. In 1997, Bill C-32 was tabled with a view to strengthening and modernizing CEPA for the new millennium. The Bill evaluates the potential health risks of environmental contaminants, regulates the entry into Canada of new materials that may damage health and the environment, and assesses the health risks of new substances, including those created through biotechnology. Bill C-32 is currently under consideration by Parliament.

298. Canada's signing of the 1997 *Declaration of the Environment Leaders of the Eight on Children's Environmental Health* affirmed that children's environmental health is a priority. Canada is undertaking initiatives to implement the recommendations of the Declaration.

Institutions and Mechanisms

299. The Federal/Provincial/Territorial Committee on Population Health (ACPH) identified broad population health strategies on which the provincial, territorial and federal governments could collaborate and achieve significant results. Healthy child development is one such priority area, and as such, a framework for a *National Strategy on Healthy Child Development* has been developed.

300. *The Health of Youth: A Cross-National Survey* was published in 1996 based on data from the 1993-94 *Health Behaviour in School-Aged Children (HBSC) Study*. HBSC is a collaborative cross-national research study sponsored by the World Health Organization (WHO) and made possible by support from the Government of Canada. The goal of the study is to increase understanding of the health-related attitudes and behaviours of young people and the context in which they develop. The publication of data collected during the 1997-98 school year will be released in 1999-2000.

301. A number of initiatives have been taken during the reporting period to build a stronger health system that reflects the changing needs of Canadians and provides timely access to high quality health care. First, the *Canadian Institute for Health Information* (CIHI) was established in 1994 as an arm's length body to improve the quality and availability of health information. Also, the federal government established the five-year *Health Services Research Fund* in 1996, for research on effectiveness of health services, and the three-year *Health Transition Fund* in 1997, to help provinces launch pilot projects to investigate new and better ways to provide health care to Canadians.

302. In 1997, the government put in place a new *Canada Health Information System* to better meet information needs with a view to improving the delivery of health services and assessing the performance of the health system. The government has allocated funds over a five-year period for this initiative. This allocation will serve to: (1) help CIHI (see above) build consensus on health indicators, to develop data standards, to fill key data gaps, and to build capacity to

analyse data and disseminate information; (2) build a *National Health Surveillance Network* to link laboratories and public health officers across the country; (3) build the *Canadian Health Network*; and (4) improve health information for federal health programs.

303. In 1996, the intersectoral Joint Steering Committee Responsible for Development of a National Nutrition Plan for Canada released *Nutrition for Health: An Agenda for Action* in response to commitments from the 1992 International Conference on Nutrition. It identifies four strategic directions: reinforcement of healthy eating practices; support for nutritionally vulnerable populations; continued enhancement of the availability of foods to support healthy eating; and the support of nutrition research. These strategies include key actions related to the nutrition health of children.

304. The Government of Canada promotes the nutritional well-being of children through the development and broad dissemination of national nutrition guidelines, including *Canada's Food Guide to Healthy Eating* and guidelines for preconception, prenatal and infant nutrition.

305. In partnership with provincial and territorial governments, the Government of Canada is developing new programs to better support HIV/AIDS prevention and sexuality education for young people. For example, *Safer Sex Guidelines*, designed for educators and counsellors involved in prevention and health promotion activities, ensure the continued relevance and accuracy of the safer sex information that Canadians receive.

306. Public information and education initiatives on child safety issues, such as child passenger safety and playground safety, are provided by an Interdepartmental Working Group on Childhood Injury Prevention. Membership is based on federal responsibility affecting child safety such as with Health Canada, Transport Canada, Parks Canada, Statistics Canada, Agriculture Canada and Canada Mortgage and Housing.

307. An inter-agency Youth at Risk Initiative, coordinated by the Canadian Parks and Recreation Association, implements and evaluates pilot projects targeting children and youth-at-risk across Canada. In the near future, a formative evaluation will identify which strategies and processes worked, what common learning can be drawn from the pilot projects and possible models for youth that have not traditionally participated in recreation and physical activity.

308. In 1995, the Pest Management Regulatory Agency (PMRA) was created to centralize all federal government responsibilities for pesticide registration and to address issues concerning pesticide residues in food.

309. In 1995, the *Auditor General Act* was amended to create the Commissioner of the Environment and Sustainable Development, and to require each federal department to prepare and table an annual Sustainable Development Strategy to Parliament. The Commissioner of the Environment and Sustainable Development reports to Parliament on matters related to the environment and sustainable development, conducts audits and special studies, receives public

petitions and complaints, and monitors the implementation of the Sustainable Development Strategies prepared by federal departments.

Government and NGO Cooperation

310. In April 1997, Health Canada established the *Population Health Fund*, replacing a number of grant and contribution programs. It provides financial support to groups that address the factors influencing health through partnership and collaboration with other sectors, with particular emphasis on health issues of vulnerable populations. In 1997-98, the fund financed over 300 national, regional and community-based projects.

311. In June 1997, the Canadian Institute on Child Health (CICH), with support from Health Canada, hosted *What on Earth?*, a symposium on environmental contaminants and child health. A year later, CICH released *Environmental Contaminants and the Implications for Child Health Supplement,* which educates public health officials and other practitioners on the health implications for children, profiles key research findings and provides a comprehensive package of information on children's environmental health.

312. In partnership with the Government of Canada, CICH publishes *The Health of Canada's Children: A CICH Profile.* The report presents a range of demographic, economic, behaviourial and related statistics on the health and well-being of children and youth. The third edition of this report was released in 2000.

313. In 1995, in partnership with medical and professional associations, clinicians and voluntary organizations, Health Canada established a National Asthma Control Task Force. The Task Force was mandated to develop a *National Asthma Control Strategy* for the reduction of morbidity and mortality due to asthma in Canada and to coordinate and facilitate its implementation.

314. The Canadian Parks and Recreation Association, in partnership with Health Canada, has developed and implemented a three-year *Playground Safety Action Plan*. A key element of the plan is the playground inspector certification program, which is based on the recently revised Canadian Standards Association standards for play spaces.

315. In partnership with non-governmental organizations, the Government of Canada has developed projects relating to the health of Aboriginal children. With the Aboriginal Nurse's Association, the guide *Healthy Children - Healthy Nations* was developed for First Nations care givers who wish to focus and direct community programs toward the health needs of children from before birth to age 6. *Ikajuqtigiinniq*, a resource for the prevention of fetal alcohol syndrome, was developed with the Pauktuutit Inuit Women's Association.

316. Campaign 2000 is a non-partisan coalition of 25 national partners and a Canada-wide network of 37 community partners committed to building Canadian awareness and support for the 1989 all-party House of Commons resolution to end child poverty in Canada by the year 2000. In 1996, Campaign 2000 promoted a life-stage approach to child poverty. The life stage

approach involves three components: a comprehensive child benefit; a national envelope for early child development and child care; and a youth education endowment fund. Since then, Health Canada has funded a two-year project that will engage a wide range of community leaders, individuals and Campaign 2000 partners in community consultations to develop policy options for addressing child poverty.

C. Social Security and child care services and facilities – Articles 26 & 18

Child Care Services – Article 18

Measures in Force

317. In Canada, the provision of child care services is the responsibility of provincial governments. The federal government provides a range of measures to support the child care needs of working parents and all Canadian families.

318. The 1998 Federal Budget increased the Child Care Expense Deduction (CCED) from $5,000 to $7,000 for children under age 7, and from $3,000 to $4,000 for children aged 7 to 16. This increase is intended to offset the costs of child care for the approximately 800,000 Canadians who use the CCED. In addition, a Goods and Services Tax/Harmonized Sales Tax exemption is provided for expenses incurred in the provision of care to a person with limited means of self-care.

Factors, Difficulties and Progress

319. The Government of Canada, in partnership with the provinces and territories, has taken an important step to support Canada's children with the introduction of the *National Child Benefit,* which will directly assist lower-income parents. Provincial and territorial governments will reinvest the money saved through this system into complementary benefits and services for children. For example, a number of provinces are reinvesting in child care, including Manitoba, Ontario, Prince Edward Island, Nova Scotia, New Brunswick and Newfoundland and Labrador.

320. From 1988 to 1995, the federal government supported initiatives to enhance child care services through the *Child Care Initiatives Fund* (CCIF). CCIF funded 515 projects with an emphasis on staff training and professional development as well as pilot projects which tested innovative, community-based approaches to child care.

321. The *Child Care Visions* program, created in 1995, supports research and analysis of child care programs with a goal to improve the quality of child care and increase national knowledge of the adequacy, outcomes and cost-effectiveness of child care programs.

322. The *First Nations and Inuit Child Care Initiative,* launched in January 1995, commits federal funding over three years to support the creation of 4,300 new child care spaces and the improvement of approximately 1,700 existing spaces in First Nations and Inuit communities.

Funding will be provided after the initial development period to sustain these newly created child care spaces.

323. In 1996, a joint Federal/Provincial/Territorial Working Group on Status of Women and Labour examined options for improving the integration of work and family responsibilities. The Working Group's findings will contribute to ongoing policy development in this area.

Social Security – Article 26

324. In Canada, a system of federal, provincial and territorial government programs and services provide income assistance and social services to Canadians. Federal expenditures include direct income support to seniors, families, including those with children, unemployed persons, and students. Fiscal transfers and tax measures also support provincial and territorial programs and services in areas of social assistance, post-secondary education, health care, labour-market training, and programs in support of disabled persons.

Measures in Force

325. The National Child Benefit (NCB), which came into effect in July 1998, is a joint federal, provincial and territorial initiative to improve benefits and services to children in low income families. The objectives of the NCB are to help prevent and reduce child poverty, to help parents of low income families participate in the workforce and to reduce overlap and duplication through closer harmonization of programs and simplified administration.

326. Under the NCB, the federal government has substantially increased the Canada Child Tax Benefit to low-income families with children. Provincial and territorial governments have in general adjusted social assistance payments for families, while ensuring at least the same overall level of income support from all governments. The provincial and territorial governments have reinvested the resulting savings into complementary programs targeted at improving work incentives, benefits and services for low income families with children. Examples of provincial and territorial reinvestment programs include child health benefits, child care investments, income support to families with children, and employment supplements.

327. Governments are committed to working with Aboriginal people to ensure that Aboriginal children, like all Canadian children, will benefit from the NCB initiative. The Department of Indian and Northern Affairs Development has been working in partnership with First Nations to develop mutually acceptable frameworks to guide the implementation and development of NCB reinvestment initiatives on reserves. The frameworks are flexible to address the different priorities and needs in First Nations communities. In the first year of the NCB, First Nations reinvested in community-based programs for low-income families living on reserves through income support, child care, child nutrition, parenting skills, family services, recreation, youth development, clothing outlets, training and employability skills.

Factors, Difficulties and Progress

328. There is no official measure of poverty in Canada. Statistics Canada produces two measures of low income: Low Income Cutoffs (LICOs) and Low Income Measures (LIMs). LICOs are based on average consumption standards and are the most widely-used measure of low income in Canada. The measures adjust income thresholds according to family size and the size of the community in which the family lives.

329. LIMs are based on one-half the median adjusted family income. The measure adjusts incomes according to the number of adults and children in the family. There is no adjustment for the size of the community in the LIMs.

330. The most widely used version of the LICOs is based on pre-tax income. The version of the LIMs based on income after income taxes is the measure closest to that used in the *1998 United Nations Human Development Report* for international poverty comparisons.

331. In November 1989, in a unanimous resolution, the House of Commons pledged to work to eliminate child poverty by the year 2000 ("child poverty" was not defined in the resolution). The incidence of low income for Canadian children under age 18 using the pre-tax LICOs declined from 21.3 percent to 19.8 percent between 1993 and 1997.

Priorities and Goals

332. In the 1996 Speech from the Throne, the Government of Canada acknowledged that it has an important role to play in modernizing Canada's social safety net and ensuring its sustainability.

Institutions and Mechanisms

333. In 1998, Human Resources Development Canada (HRDC) created the Social Development Partnerships Program (SDPP), replacing both the National Welfare Grants Program and the Disabled Persons Participation Program. SDPP is a research and development program that provides organizational support and funding for national activities of voluntary organizations involved in child and family issues. Family Service Canada, Big Brothers and Sisters of Canada, and Boys and Girls Clubs of Canada are examples of the organizations that receive support through this program for initiatives such as research on child welfare and child poverty.

334. Established in June 1996, the Federal/Provincial/Territorial Council on Social Policy Renewal is the principal mechanism for guiding work on the social union initiative. The Council supports and coordinates the work of sectoral ministries (including social services, labour market, post-secondary education and health) in developing concrete solutions in specific priority areas for all Canadians.

335. The Government of Canada and all provinces, except Quebec, signed a Social Union Framework Agreement on February 4, 1999. The Agreement outlines new principles on how

governments will work in partnership in the arena of social policy. The implementation of the Social Union Framework Agreement and the continuation of work on the National Children's Agenda are the priority areas for the Council in 1999.

336. Ministers Responsible for Social Services have played a major role with respect to collaborative federal/provincial/territorial efforts, particularly in the implementation of the National Child Benefit and initiatives with respect to persons with disabilities.

D. Standard of Living – Article 27

Measures in Force

337. The *National Housing Act* (NHA) promotes the construction of new homes, the repair and modernization of existing houses, and the improvement of housing and living conditions. The Canada Mortgage and Housing Corporation (CMHC) provides a range of authorities and tools to address the housing and related needs of Canadians including market-related housing activities, housing assistance (including social housing) and research and information transfer activities.

338. *Canada's First Report on the Convention on the Rights of the Child* identified the housing needs of low and moderate income Canadians. Between 1993 and 1997, CMHC continued to make housing affordable for lower-income Canadians through its social housing programs. Working with the provincial and territorial governments, as well as community-based, non-profit and co-operative housing organizations and First Nations, CMHC provided financial subsidies for some 664,000 social housing units, benefitting low-income families, people with disabilities, seniors and Aboriginal groups.

339. CMHC also launched the Shelter Enhancement Initiative (SEI) to renovate and upgrade existing shelters in northern and remote regions, and to develop a limited number of new emergency and second-stage units. Between 1995 and 1997, CMHC enhanced 4,448 bed/units and developed 61 emergency beds and 22 second stage units. Additional federal funding extended the SEI project to March 31, 1998.

340. The Corporation reintroduced the Rental Residential Rehabilitation Assistance Program in 1994, incorporating new provisions for the improvement of rooming-houses, a common accommodation for those at risk of homelessness.

341. Federal government programs for the housing needs of Aboriginal peoples include the Rural and Native Housing program (RNH) and a First Nations component of the Residential Rehabilitation Assistance Program (RRAP). In April 1996, 2 new initiatives were introduced. First, the Remote Housing Initiative, which targets low-income households living in smaller remote communities, provides capital grants for home construction and requires that client households provide "sweat equity labour". This initiative will benefit an estimated 272 households. Second, the On-Reserve Remote Housing Initiative also provides funds for home construction through capital grants. Under this initiative, which will benefit an estimated

310 households, local First Nations bands are involved in all aspects of planning, delivery, construction and property management.

Factors, Difficulties and Progress

342. The Government of Canada's Program Review Process in 1994 provided CMHC with a new mandate affecting its main business areas of housing finance (mortgage insurance and guarantee), social housing, and research and international activities, including housing export support. The federal government transferred the administration of its social housing portfolio to the provinces and territories to reduce the duplication of government services. This is intended to provide a better link between housing and provincial/territorial social services and facilitate solutions for such issues as homelessness. All provinces and territories have the option to manage federal social housing.

343. The transfer of management responsibilities is an important and tangible step towards better intergovernmental cooperation and efficiency in social housing. The "one stop shopping" approach should also improve service to the public. The government also expects that these arrangements will free up funds to assist low-income households.

344. As part of deficit reductions and government spending restraints, the federal government capped social housing expenditures and stopped funding new housing, except for programs for on-reserve Aboriginal people.

345. The majority of Canadian families live in housing that meets or exceeds standards for suitability, including number of bedrooms, adequacy (plumbing facilities) and affordability. However, a significant number of people in certain socio-demographic groups need better housing. Dwellings with female lone parents and Aboriginal households have higher proportions of people in core need than other segments of the population. Since affordability is a main barrier to the acquisition of healthy housing, and the proportion of income directed at housing is higher for these specific groups, the relatively high cost has a negative impact upon other spending priorities.

346. The Government of Canada recognizes that the problem of homelessness is much broader than a lack of accommodation; rather, it requires an integrated and co-ordinated approach including long-term supportive housing environments. CMHC has facilitated the development and/or demonstration of a number of comprehensive "enabling" approaches undertaken by partnerships among community-based agencies, chiefly by documenting and communicating best practices across the country.

347. The Department of Indian and Northern Affairs (DIAND) has reallocated funds since 1996 to accelerate repairs to on-reserve water and sewer systems. In response to the Royal Commission on Canada's Aboriginal Peoples, the federal government allocated resources in 1998-1999 in addition to capital allocations for water and sewer projects. As of March 1997, 97 percent of houses on reserves had water supply services and 92 percent had sewage disposal facilities, as compared to 75 percent and 67 percent respectively in 1986-87.

348. A new on-reserve housing policy was announced in July 1996. Federal funding for on-reserve housing was increased over 5 years, beginning in 1996-97. The total number of on-reserve housing units has increased from 64,402 in 1990-91 to 80,443 in 1996-97. Over the same period, the number of adequate units has gone from 28, 209 (44 perent) to 41,885 (52 percent). In 1996-97, 2,487 housing units were completed and 4,222 were renovated.

349. While the living conditions of Aboriginal peoples has improved significantly, the Government of Canada recognizes that housing amenities are inadequate in many Aboriginal communities. Although more than 18,000 federally subsidized new houses were built for and with Aboriginal peoples between 1992 and 1997, there are problems, particularly on reserves where lack of maintenance and overcrowding contribute to a housing lifespan which is about half that of off-reserve housing. Approximately 38,000 new on-reserve dwelling units will need to be constructed between 1997 and 2007.

350. Studies on food bank use, poverty and dietary intake show that while the vast majority of Canadians are able to provide food for themselves and their families, some cannot. From 1989 to 1997, the use of food banks in Canada more than doubled. Other services provided by community groups, with limited support from provincial/territorial or municipal governments, include collective kitchens, community gardens, food buying clubs and school-based breakfast programs.

351. In 1998, 42 percent of the approximately 716,000 Canadians assisted by food banks each month were children. In 1998, in response to the 1996 World Summit commitment to reduce the number of undernourished people by half by 2015, the federal government released *Canada's Action Plan for Food Security*. The Alternative Northern Food Baskets and a template for provincial/regional nutritious food baskets were developed as part of this strategy to support nutritionally vulnerable populations. Nutritious food baskets provide useful indicators for monitoring food insecurity in Canadian communities.

Priorities and Goals

352. Sources of data to measure the incidence of child homelessness are limited, largely due to the difficulties involved in enumerating the homeless population. To better understand the situation of homeless Canadians, Canada Mortgage and Housing Corporation (CMHC) has made homelessness a research priority. A multi-year research program is underway to develop a system that all Canadian shelters could use to standardize the collection and management of information on the homeless.

Institutions and Mechanisms

353. Provincial and territorial governments play a significant role in the provision of shelter. They are responsible for the regulation of urban and rural development in most areas through planning legislation and the regulation of building and housing standards through building and health codes.

354. CMHC has finalized new social housing arrangements with seven provincial and territorial jurisdictions. The discussions are continuing with the remaining jurisdictions. The agreements ensure that federal funds remain available to low-income households and that national standards are maintained.

Government and NGO Cooperation

355. Community, non-profit, co-operative and women's organizations, along with youth groups, labour unions, and social and political advocacy groups, all play a major role in shaping policies, and identifying priorities in many areas, including housing. The Canadian Mortgage and Housing Corporation (CMHC) works with other agencies and NGOs across Canada on programs that encourage housing research, information transfer and youth participation.

356. In 1997, CMHC held a youth housing competition. A total of 143 organizations and individuals from communities across Canada submitted examples of inspiring, creative, and practical solutions to the housing needs of young Canadians, such as students, first-time home buyers, young couples, single young women and men, homeless youth, and youth with disabilities. CMHC also organized a two-day forum *Gimme Shelter: Sharing Successes in Housing for Youth* to celebrate and promote the accomplishments of the many organizations that work to provide housing choices for young people. The Forum, held in 1997, included urban planners, environmentalists, housing industry representatives, members of housing agencies and co-operatives, students, teachers, researchers, and government representatives who shared their ideas, solutions and best practices in housing to meet the needs of young people.

357. Recognizing that children are particularly vulnerable to environmental hazards and that most of their pre-school age is spent in and around the home, CMHC works with other federal agencies and NGOs to research and provide information to the public on indoor air quality, lead, fire safety, home safety and children's play spaces. For instance, CMHC, with 3 other agencies and the Paint Manufacturers' Association, undertook an extensive public information campaign emphasizing safety concerns of renovations in homes with lead-based paint, especially in houses with young children present.

358. The National Housing Research Committee (NHRC), comprised of federal, provincial, non-governmental, industry and consumer representatives, co-ordinates research on housing with either direct or indirect benefits to children.

VII. Education, Leisure and Cultural Activities

A. Education – Article 28

Measures in Force

359. Education in Canada is a provincial and territorial responsibility. The Government of Canada promotes a coordinated national approach to education, based on excellence and equality of opportunity. It has established programs and measures that focus on developing the

knowledge, skills and work experience that today's young people must have to become full participants in a changing knowledge-based economy.

360. In 1996-1997, there were 446 schools managed by First Nations in Canada, serving 57.3 percent of First Nations students on reserves, an increase in enrollment of 41 percent from 1991. Students not attending First Nations managed schools attended schools operated directly by either the Government of Canada or a provincial or territorial school system. As well, First Nations children are remaining in school longer, but have lower rates of completing secondary school than other students. The major focus of education reform initiatives under *Gathering Strength* is the improvement of retention and graduation rates for on-reserve students.

361. Young Canadians are enrolling in higher education at a record rate. Almost 1 million students—nearly one in every 3 young people—were enrolled full-time in post-secondary education, and 430,000 were enrolled on a part-time basis in 1996/97.

362. In 1997, the federal government announced a *Youth Employment Strategy* (YES) to help young Canadians find the critical first job that bridges the gap between school and work. YES will make investments to create approximately 280,000 work experiences over 3 years for unemployed young Canadians. Key program components are: Youth Internship Canada; Youth Service Canada; Student Summer Job Action; and information initiatives. The Federal Public Sector Youth Internship Program, a complementary youth initiative, will provide work experience for approximately 38,000 young participants over 3 years. In December 1998, the Government of Canada announced that the YES, which was to end March 31, 1999, would be made a permanent initiative. This includes a First Nations and Inuit Youth Employment Strategy to support youth living on-reserve or in recognized communities to explore career options while in school and to acquire practical work experience.

363. Announced in Budget 1998, the *Canadian Opportunities Strategy* focuses on seven key areas related to education: providing financial assistance for students; providing support for advanced research; helping individuals manage their student debt; encouraging families to save for education; helping Canadians upgrade their skills; supporting youth employment; and connecting Canadians to information and knowledge. This strategy supports post-secondary students and their families through a number of initiatives. For example, the Canada Student Loans Program helps individuals of limited means pursue their education and helps students after graduation with tax relief for interest payments on their student loans. The strategy also provides needy students with children or other dependents with grants of up to $3,120 a year; provides education credits and child care expense deductions for part-time students; and supports the efforts of working Canadians to upgrade their skills by allowing tax-free withdrawals from Registered Retirement Savings Plans (RRSP) to encourage lifelong learning. Through the Canada Education Saving Grant program, the strategy helps families save for their childrens education by supplementing new contributions made to Registered Education Savings plans. Another component of the *Canadian Opportunities Strategy*, the Canadian Millennium Scholarships Program, is described in Priorities and Goals below.

International Cooperation

364. In education, CIDA supports initiatives to provide universal access to education for girls and boys, improve the quality of primary education, increase literacy and numeracy, build basic skills in health, nutrition, and environmentally friendly agricultural production through formal and non-formal education programs, promote human rights and peace building through education curricula.

365. Since 1994, Canada has supported the *Girl Child Education in Africa Initiative* (See "General Measures of Implementation"). Phase I, developed and implemented in collaboration with UNICEF, supported projects in 15 countries aimed at improving access and retention of girls in basic education programs. Results of Phase I have been impressive: 47,000 girls have been directly affected; several hundred teachers were trained in child-centred approaches, children's rights, and gender perspectives; and gender-sensitive training and learning materials were developed. Phase II, which began in 1996, builds on the lessons from Phase I in the effort to extend and institutionalize its gains. It broadens the range of participation to include over 75 percent Canadian partners in addition to UNICEF's role which is now 25 percent. Specific projects include a project in Malawi in 1996-97 to increase the capacity of the Ministry of Education and selected communities to deliver primary education with gender equity in progression, enrollment, retention and completion; a project in Zambia in 1996-99 to increase capacity at all levels—government, schools, communities and NGOs—to improve rates of enrollment, retention, completion and achievement for girls; an initiative in Eritrea in 1995-97 to establish a pilot project of community schools in the region of Gash-Barka with emphasis on increased access and retention of girls.

366. In Asia, CIDA is supporting the Bangladesh Rural Advancement Committee's (BRAC) *Non-formal Primary Education Program*. CIDA has been involved in phases I and II of the program. The BRAC program aims to strengthen national education systems and improve access to cost-effective primary education to poor children, especially girls, unserved by the formal school system. The program began in 1985 and as of 1997, 34,000 schools are operating annually, with an enrollment of 1.2 million children. Overall, a 90 percent completion rate has been maintained for school children enrolled in the three-year NFPE program. CIDA expects to more than double its contribution to Phase III of the program. Seven major donors collaborate in this project and do so in ways that are models for other projects.

367. In the Americas, one of CIDA's larger education projects has been the *Eastern Caribbean Educational Reform Project*, covering the period from 1996 to 2003. This project aims to strengthen governments' capacity to plan and implement educational reform to improve educational quality and access for children.

368. CIDA recognizes the close links between basic education and health, nutrition, and population, as well as the importance of gaining leverage through multi-sectoral approaches to programming in basic human needs. An innovative approach is being undertaken by the Unitarian Services Committee in Bangladesh with CIDA funding. Through a process of "social immunization", the *Adolescent Development Program* improves the future social and economic

status of adolescent girls by providing them with literacy, numeracy, health education and income-earning skills as well as ensuring that they properly register their marriages. Boys are also included in activities so that they learn that empowered girls and women are a benefit and not a threat to their communities.

369. Through Canadian Partnership Branch, CIDA supports a wide range of NGOs, associations and universities in providing projects to support the basic education of street and abandoned children in all regions, in countries as diverse as India, Lesotho, Haiti, Gambia, and Nicaragua . The major partners CIDA works with through Partnership Branch include Save the Children Canada, UNICEF-Canada, Street Kids International, World Vision, Foster Parents Plan, Aga Khan Foundation Canada, and Pueblito. Although activities tend to be small scale, they are typically responsive and often very innovative, and they are most sustainable where attempts are made to build linkages into the regular education system.

Factors, Difficulties and Progress

370. Effective in 1998, individuals repaying federal or provincial student loans can claim a 17 percent federal tax credit on the interest portion of the amount paid in the current year.

371. The 1996 and 1997 Federal Budgets encouraged families to build Registered Education Savings Plans (RESPs) for their children's education by raising limits for both the annual per child and lifetime contributions. In addition, parents and other contributors can now transfer an RESP into their Registered Retirement Savings Plan should the child choose not to pursue post-secondary education.

372. Beginning January 1998, the federal government Canada Education Savings Grant will top up contributions made to an RESP by 20 percent up to a yearly maximum of $400 per child, until the child reaches age 18. This will mean that, for example, a family saving $25 every two weeks in an RESP over a 15-year period will accumulate an education fund of $18,790 (based on an annual interest rate of 5 percent). Without the grant, the RESP would be worth about $3,100 less.

373. In April 1996, the Canada Health and Social Transfer (CHST) replaced the previous transfer funding mechanism that provided the provinces and territories with fixed allocations for health, education and social services. Under the CHST, the provinces and territories are able to apply funds to areas according to their own discretion.

Priorities and Goals

374. In September 1997, the Government of Canada announced the Canadian Millennium Scholarships Program, a central component of the *Canadian Opportunities Strategy*. Beginning in the year 2000 and continuing for 10 years, Canada Millennium Scholarships will be awarded annually to more than 100,000 students through an endowment from the federal government. Canadians of all ages, studying in publicly-funded post-secondary institutions, will be eligible.

Scholarships will be awarded based on financial need and demonstrated merit. These scholarships will average $2,000 and will be awarded beginning in January 2000.

375. The federal government has modified the Canada Student Loans Program (CSLP) to accommodate students with family responsibilities. Effective in 1998-99, new grants will be available to students with children or other dependents. Students will be eligible to receive up to $40 per week (for those with 1 or 2 dependents) or $60 per week (for those with 3 or more dependents).

Government and NGO Cooperation

376. Status of Women Canada provides financial and technical assistance to organizations working to advance gender equality at the community, regional and national level. Support has been provided for projects aimed at improving gender equality in vocational training and guidance, including activities to increase interest in science, technology and non-traditional careers among girls.

377. The 1998 Federal Budget, which targeted youth employment, more than doubled funding for youth at risk, principally those who have not completed high school. Through partnerships with employers' organizations and non-profit groups, funds are available for on-the-job training, career counseling, mentoring and literacy upgrading.

B. Aims of Education – Article 29

Measures in Force

378. The Government of Canada is committed to helping young Canadians acquire the information technology skills they need to succeed in the knowledge-based economy. *SchoolNet*, an Industry Canada program, promotes the effective use of information technology by helping all Canadian public schools and public libraries connect to the Internet. On March 30, 1999, Canada became the first nation in the world to connect its schools and libraries, thanks to the *SchoolNet* partnership. Built on partnerships with provincial and territorial governments, communities, NGOs, information technology companies and other private sector partners, *SchoolNet* aims to extend connectivity from the schools to the classroom by March 31, 2001. Over 1,000 learning services and resources can be accessed on the Web site at http://www.schoolnet.ca.

379. The Digital Collections Program helps young Canadians develop information technology and business skills as they transfer significant Canadian content collections into digital form. The program awards contracts to Canadian firms, associations, institutions, museums, libraries, archives, educational institutions and other organizations to hire teams of people 15 to 30 years of age to digitize text, images, audio and video material and incorporate it in Web sites for display on *SchoolNet*. As of 1998, the Program has hired over 1,200 young Canadians on some 230 contracts in all provinces and territories, including the most remote parts of the country.

380. The Computers for Schools program channels surplus computer equipment from businesses, government and individuals into classrooms and public libraries across Canada. The program provides youth with access to computers in a learning environment and provides hands-on computer repair training opportunities at refurbishment centres located across the country. Computers for Schools has delivered over 51, 000 computers to Canadian schools since the beginning of the program in 1993.

381. The Atlantic Canada Opportunities Agency (ACOA) supports an entrepreneurship development strategy which, in part, encourages the development of entrepreneurial talent among young people in Atlantic Canada. In 1998, approximately 60,000 students from kindergarten to grade 12 were enrolled in enterprise or entrepreneurship courses as a result of efforts and investments by ACOA and its provincial partners. In addition, approximately 500 students per year start businesses under ACOA-funded programs. Teacher training and youth venture activities, such as a seed capital program, are other components of the strategy.

382. The Michael Smith Awards for Science Promotion recognize Canadian individuals, organizations and companies that have inspired a passion in youth for science, technology, engineering and mathematics outside the formal school system. These non-monetary awards raise the profile of recipients and encourage others to get involved. The awards assist in the development of skills demanded in the knowledge-based economy by encouraging and rewarding leaders in science promotion.

383. The Prime Minister's Awards honour outstanding elementary and secondary school teachers from across Canada. Recipients are selected based on their ability to achieve outstanding results with students, to inspire them to learn and continue learning, and to equip them with the knowledge, attitudes, skills and abilities they will need to succeed in our rapidly changing society and knowledge-based economy. The program also shares excellent teaching practices with educators across Canada and around the world via the Internet.

384. In 1995, the Canadian Space Agency (CSA) launched the Young Space Scientists Program, an educational program that allows students to take on the role of "space scientists" by providing them with the opportunity to design experiments and compete for the chance to have them performed in orbit by a Canadian astronaut. Classroom resource materials are then developed about these experiments and their execution during shuttle missions. To stimulate interest in this sector of science and to promote the Young Space Scientists Program, representatives from the CSA visited 90 elementary and secondary schools, reaching about 30,000 students.

385. Science Culture Canada, which had its final year in 1998-99, provided resources to non-profit groups that stimulate youth interest in science and technology, thereby developing skills and promoting related careers.

386. The Canadian International Development Agency (CIDA) actively supports programs to increase African girls' access to basic education, and works with UNICEF as well as Canadian NGO partners on projects in this field. In 1996-97, CIDA participated in projects in Jordan,

Egypt, Senegal, Burkina Faso, Zambia, Zimbabwe and Malawi, as well as two Pan-African projects.

387. The Department of Canadian Heritage's Canadian Studies Program supports the development of a variety of learning materials in content areas considered to be underdeveloped or neglected in the field of Canadian Studies. The program also published a *Directory of Funding Sources for Canadian Studies* and two series of booklets entitled *Canadian Studies Resource Guides* and *About Canada.*

388. The Youth Participation Program of the Department of Canadian Heritage provides learning opportunities for youth to increase their knowledge, appreciation and respect for the diversity of Canadian society and its institutions. Under the Open House Canada Program, it provides financial support to a number of national non-profit organizations to cover part of the travel costs of participants in reciprocal group exchanges and national fora.

389. The Commonwealth Youth Program (CYP) promotes the overall well-being and development of young people in the Commonwealth. The CYP works towards a society where youth are empowered to develop their potential, creativity and skills and to participate fully at every level of decision-making and development.

390. Recognizing the importance of developing respect for the natural environment, Environment Canada provides information materials aimed at increasing environmental literacy in primary and secondary schools. *Rescue Mission Planet Earth: Indicators for Action* is an information resource that gives students the opportunity to assess the sustainability of their community and to develop and implement Agenda 21 action plans. Through their work, the students can see how social, economic and environmental issues link together. In addition, the department's contribution to the National Youth Science Fair recognizes youth achievements in the area of environmental science.

391. Environment Canada also recognizes young people aged 14-25 for their environmental achievements through the Polaris Award. The Award, presented bi-annually, celebrates youth's respect for their natural environment through 5 categories: science and technology, creative arts and communication, environmental entrepreneurship, community service and public policy.

392. Through various communications activities, its Green Lane Web site and other publications, Environment Canada promotes youth awareness of environmental issues. Through the Millennium Eco-Communities Web site, the department creates opportunities for Canadian youth to learn, share and take action to protect and enhance their natural environment.

Institutions and Mechanisms

393. The *1995 National Graduates Survey* by Statistics Canada has provided valuable insights on the links between education experience and outcomes, youth program characteristics, student finances and loans, and other information on youth. Federal and provincial governments and agencies use this data to develop policies and programs to improve access to educational

opportunities, experience, training, and the labour market. Business and other private sector organizations also use the survey data to measure their long-term needs against emerging trends in the training and education of youth.

394. The Natural Sciences and Engineering Research Council of Canada (NSERC) supports basic university research through research grants and research projects in partnerships with industry. NSERC supports advanced training of highly-qualified people in both areas and its terms of reference allow it to support research to improve understanding of child-related issues. During 1996-97, NSERC funded 17 projects directly related to children.

395. The Social Sciences and Humanities Research Council of Canada (SSHRC) supports research and training that improves understanding of child development and also helps design more effective policies and services for children. SSHRC studies have covered the disciplines of education, health, psychology and social work and have addressed such issues as the socialization of young children in family and school, parental beliefs and child rearing outcomes, teaching and learning processes, the school-to-work transition, youth crime and violence, and impact studies on policies and services.

396. The Department of Canadian Heritage works with provinces and territories to help minority language school boards offer comparable quality education to that of the majority, in the spirit of section 23 of the *Canadian Charter of Rights and Freedoms.* The department also works to enhance the development of French-language post-secondary institutions through the use of new technologies. Moreover, it continues to offer young people the opportunity to experience linguistic duality through language exchange programs and the Young Canada Works in Both Official Languages Program, which have nearly 10,000 participants every year.

397. The Department of Canadian Heritage also co-ordinates the implementation of sections 41 and 42 of the *Official Languages Act* to strengthen the contribution of federal institutions to the development of official-language minority communities in key sectors such as information technology, culture, economic development and human resources development.

398. Children are a primary audience of Canada's national museums, which have developed specialized exhibitions, educational programs and activities to assist children in understanding and learning about their heritage.

Government and NGO Cooperation

399. Voluntary organizations play a crucial role in the social and economic well-being of many Canadians, including children and youth. VolNet, a joint initiative of federal, provincial, territorial governments and private sector interests, reinforces the capacity of voluntary organizations by providing them with access to computer equipment, the Internet, new information technologies, network support and training.

400. In 1995, the Canadian Space Agency, in partnership with non-profit and private sector organizations, launched the Canadian Space Resource Centres program in 5 Canadian cities. The

Centres provide curriculum enriching-resource materiais using space themes and also provide teacher training on their use. This program provides important links between the government, education and business communities.

C. Leisure, recreation and cultural activities – Article 31

Measures in Force

401. Section 3 of the *Broadcasting Act* established Canada's broadcasting policy. The Act, which the Canadian Radio-Television and Telecommunications Commission (CRTC) administers, expressly requires that the Canadian broadcasting system (which includes public and private broadcasters) serve the needs and interests of Canadian children by providing "programming for children of all ages, including educational programs."

402. Both the private sector and the Canadian government provide financial assistance for Canadian children's programming. In 1994, the Canadian cable industry, with CRTC support, established the Cable Production Fund to fund the production of high-quality Canadian programs in under-represented categories, including children's programs (see Public Notice CRTC 1994-10, "the Production Fund"). In 1996, the government integrated the Cable Production Fund with the broadcast production fund of Telefilm Canada (a federal cultural agency) to create the Canada Television and Cable Production Fund (now called the Canadian Television Fund). This annual fund helps finance quality Canadian television programs in the categories of drama, variety, children's shows and documentaries. In 1996-97, this fund contributed to the production of 724 hours of children's programming.

Factors, difficulties and progress

403. Participation in physical activity has far-reaching benefits for well-being. A 1995 survey revealed that approximately one-third of Canadian children and youth were physically active enough to meet the energy-expenditure standard for optimal health and development, while another one-fifth came close to meeting the standard and one-fourth met the minium energy standard.

404. Environmental degradation can also seriously affect the ways in which children spend their leisure time. Loss of green space can impede children from experiencing nature and their physical environment, poor air and water quality can prevent children from playing outside or swimming in lakes and rivers without risks to their health.

Priorities and Goals

405. In 1997, the federal and provincial/territorial ministers responsible for fitness, recreation and sport developed a framework strategy for reducing the number of inactive Canadians by 10 percent by the year 2003. The strategy places emphasis on youth at risk, especially Aboriginal youth and girls, and on the needs of children and youth living in poverty.

406. The Canada Council for the Arts, the federal government's primary agency for supporting the arts, has determined that First Nations peoples and culturally diverse communities merit additional investment. The Council is currently developing plans to meet these needs.

407. The Canada Council operates no programs specifically for children. However, young audiences have been identified as a priority area for attention and additional funds. Proposed activities include tours of theatre, dance and music productions for children, books, magazines and exhibitions.

Institutions and Mechanisms

408. Health Canada has responsibility for federal activities relating to active living. The work is based on partnerships that are multi-sectoral, multi-level, and multi-disciplinary. Emphasis is given to strategic leadership, knowledge development and information dissemination, building partnerships and alliances, promotion and encouragement, and life stages.

409. The Department of Canadian Heritage supports centres across Canada that deliver cultural and social services to urban Aboriginal peoples and supports Aboriginal and provincial/territorial organizations to develop approaches on issues that affect the well-being of communities. The department also contributes to Aboriginal broadcasters with the production and broadcasting of programming in 17 Aboriginal languages.

Governments and Non-government Organizations

410. Health Canada and the Canadian Association for Health, Physical Education, Recreation and Dance (CAHPERD) jointly support the Quality Daily Physical Education Program. This program provides instruction for daily quality physical activity through physical education and school sports targeting children and youth in elementary and secondary schools. Gender equity is part of CAHPERD's mandate.

411. The Canadian Association for the Advancement of Women in Sport (CAAWS) is a national not-for-profit organization founded in 1981. CAAWS works to achieve gender equity in the sport community. Health Canada has funded CAAWS to develop a youth-at-risk strategy with a focus on girls.

412. National organizations involved with active living are currently working together to create a formal and structured coalition for active living in Canada. The purpose of the coalition – whose membership will be multi-sectoral, multi-level, and multi-disciplinary – is to share planning, information and public promotion about active living initiatives in Canada.

413. The YWCA is developing and pilot testing an "organizational change" model regarding equitable access to physical activity programs for girls (primarily ages 12 to 16). Four pilot projects will be undertaken in each of four sites across Canada. Resource material will be created from the pilot projects and distributed to 42 YWCA's and YM-YWCA's in Canada.

414. The Department of Canadian Heritage, through the Young Canada Works Program, in partnership with non-governmental organizations and the private sector will contribute to the federal government's Youth Employment Strategy and provide over 2,500 young Canadians with the opportunity to develop useful skills and experience while learning more about Canada, its culture and their fellow Canadians.

415. The Department of Canadian Heritage builds partnerships with NGOs and community groups, including child and youth organizations, around activities and programs such as Canada Day, Celebrate Canada, Citizenship and Heritage Week, National Flag of Canada Day, National Volunteer Week, National Aboriginal Day and other special events that reinforce a sense of common purpose, pride and Canadian unity.

VIII. Special Protection Measures

A. Children in Situations of Emergency

1. Refugee children – Article 22.

416. The federal government is primarily responsible for immigration and refugees under s. 91 *Constitution Act 1867*. However, under an agreement between the Government of Canada and the Government of Quebec, the latter now administers some immigration matters. Federally, the *Immigration Act of Canada* sets forth the criteria and procedures under which an individual may receive either landed immigrant (i.e. permanent resident) status or refugee status in Canada.

417. In devising its refugee determination system, Canada draws upon the *Canadian Charter of Rights and Freedoms*, which contains many of the same principles as those in the *Universal Declaration of Human Rights* and the *International Covenant on Civil and Political Rights*. Canada implements the relevant parts of the Declaration and the Covenant using the standards and procedures of the *Immigration Act* and the general legal system of Canada.

418. Canada's refugee determination system also takes into account Canada's international obligations as a signatory to the *United Nations Convention Relating to the Status of Refugees*. According to the United Nations High Commissioner for Refugees (UNHCR), in March 1998, " ... the Canadian system, with its resources, expertise and humanitarian focus, is recognized as a model to be emulated."

Resettlement from Abroad

419. In keeping with its humanitarian tradition, Canada continues to provide resettlement opportunities in Canada for refugees and people in refugee-like situations outside their country and for whom there is no other durable solution. Abroad, Canada works with the UNHCR, receives applications directly from refugees seeking resettlement, and processes the applications of refugees that groups in Canada have sponsored for entry into this country. In addition, two programs exist for extreme at-risk refugees:

- *Women at Risk Program* (AWR): The Women at Risk Program (AWR) was introduced by the Government of Canada in 1988 to facilitate the settlement, in Canada, of women refugees and their children who are in critical situations and who lack the resettlement potential that the system ordinarily requires of refugees chosen abroad. The factors that may cause these women to fall short of the normal requirements include: poor education; a lack of employment or linguistic skills and a burden of responsibility for young children. Under the guidelines for the program, AWR applicants must lack the normal protection of a family unit and be in situations either of immediate peril or long-term difficulty and danger. They must also be in a situation in which local authorities (in the country of origin or in a third country) cannot ensure their safety. By the end of 1997, the federal government had resettled 1,050 women in Canada under the auspices of AWR.

- *Joint Assistance Sponsorship Program* (JAS): This program provides an extra level of assistance for refugees who would otherwise not qualify for resettlement in Canada, either as government-assisted or privately-sponsored refugees. This category includes women-at-risk and other refugees who may have emotional problems related to trauma or torture, or who are under the threat of physical violence, either in the country of origin or the country of asylum. The program also covers people with poor resettlement potential due to a lack of education or skills; heavy family responsibilities; or mental or physical disability. Under JAS, the government provides income support for a minimum of 12 months up to a maximum of 24 months. A private sponsoring group provides emotional support and whatever extra settlement assistance may be required during that time.

In-Canada Refugee Claims

420. Any person, including a child, who is in Canada and who claims to be a Convention refugee may seek a determination of the claim by notifying an immigration officer. The claimant may request this determination either on arrival at the port of entry or later. If a claim is determined by an immigration officer to be eligible for hearing, it is referred to the Convention Refugee Determination Division (CRDD) of the Immigration and Refugee Board (IRB), an independent, specialized tribunal, for hearing. In 1997-98, Canada received 5,772 claims from children seeking asylum. The 1996 *Guidelines on Child Refugee Claimants* distinguish between children accompanied by an adult relative and those who are unaccompanied. In the case of unaccompanied children, the system calls for automatic notification of provincial authorities responsible for child protection. It should be noted that a claim may be ineligible to be heard if the claimant has a criminal conviction or poses a danger to Canadian society.

421. Once immigration authorities have referred a claim to the CRDD, claimants have the right to apply for an employment authorization, entitling them to work in Canada, obtain social assistance and, in the case of children, generally have access to education in the publicly-run school systems. All claimants also have access to federally-funded health and emergency dental care coverage.

422. Claimants have a right to representation by counsel of their choice, to present evidence, to cross-examine witnesses, and to make representations. Government-funded legal aid is often available to assist claimants without money to obtain legal counsel. The government also provides interpreters free-of-charge to claimants who need them.

423. In 1996, the Chairperson of the Immigration and Refugee Board issued procedural and evidentiary Guidelines for the handling of child refugee cases.

424. The CRDD deals with cases of unaccompanied children seeking asylum on a priority basis. The process calls for a pre-conference hearing at which the panel affirms the designation of a representative for the child. On average, claims by unaccompanied children account for less than 5 percent of all refugee claims received in Canada.

425. Unsuccessful refugee claimants who feel that they would face an objectively identifiable risk to life, extreme sanctions or inhumane treatment if they return to their country of origin may apply under the Post Determination Refugee Claimant in Canada Class (PRDCC). A specialized Post-Claim Determination Officer will then consider any submission the individual might make, and other relevant material (such as documentary evidence of country conditions).

Humanitarian and Compassionate (H&C) Applications

426. It is a cornerstone of the *Immigration Act* that prior to their arrival in Canada, persons who wish to live permanently in Canada must submit an application outside Canada, qualify for and obtain an immigrant visa. Immigration legislation does provide for persons within Canada to submit an application for permanent residence on the basis of humanitarian and compassionate grounds. Applications made on an H&C basis request an exemption from the requirement to obtain an immigrant visa before coming to Canada.

427. In March 1999, the Minister of Citizenship and Immigration released new guidelines entitled *Immigrant Applications in Canada made on Humanitarian and Compassionate (H&C) Grounds*, replacing previously issued guidelines. This document provides guidance to immigration officers who evaluate the H&C applications. Generally, humanitarian and compassionate grounds exist when unusual and undeserved or disproportionate hardship would be caused to the person seeking consideration if he/she had to leave Canada. Examples of the non-exhaustive "general case types" identified are as follows:

- spouses of Canadian citizens or permanent residents;
- common law and same sex partners;
- dependent children of Canadian citizens or permanent residents;
- parents & grandparents of Canadian citizens or permanent residents;
- separation of parents & dependent children;
- de facto family members;
- prolonged inability to leave Canada has led to establishment;
- personalized risk;
- refugees who apply for landing too late;

- family violence; and
- former Canadian citizens.

428. Within the guidelines, there are explicit references to international human rights standards such as the *International Covenant on Civil and Political Rights*, the *American Declaration on the Rights and Duties of Man*, the *Convention on the Rights of the Child* and the *Convention Against Torture*. Immigration officers across Canada are being trained in relation to these guidelines and the applicable international standards.

429. In the years prior to the adoption of these new guidelines, the acceptance rate of individuals making H&C applications was just over 80 percent.

430. In July 1999, the Supreme Court of Canada affirmed the importance of considering family-related interests in H&C applications. In *Baker* v. *Canada (Minister of Citizenship and Immigration) [1999] 2 S.C.R. 817*, the Court considered the parameters of discretionary decision-making, and determined what would be reasonable. In coming to this determination, the Court looked to:

- the wording of the particular legislative provisions;
- the objectives of the *Immigration Act*, particularly the objective related to family reunification;
- international law standards, such as the *Convention on the Rights of the Child* [notably because the values set out in international human rights instruments ratified by Canada are themselves a reflection of Canadian values]; and
- the guidelines for decision-makers in place at that time.

The Court noted that:

> "Immigration officers are expected to make the decision that a reasonable person would make, with special consideration of humanitarian values such as keeping connections between family members and avoiding hardship by sending people to places where they no longer have connections. The guidelines show what the Minister considers a humanitarian and compassionate decision [...]. They emphasize that the decision-maker should be alert to possible humanitarian grounds, should consider the hardship that a negative decision would impose upon the claimant or close family members, and should consider as an important factor the connections between family members." [para. 72]

In applying the reasonableness standard to this particular set of reasons, the Court reached this conclusion:

> "The above factors indicate that emphasis on the rights, interests and needs of children and special attention to childhood are important values that should be considered in reasonably interpreting the "humanitarian" and "compassionate" considerations that guide the exercise of the discretion. I conclude that because the reasons for this decision do not indicate that it was made in a manner which was alive, attentive, or sensitive to the

> interests of Ms. Baker's children, and did not consider them as an important factor in making the decision, it was an unreasonable exercise of the power conferred by the legislation, and must, therefore, be overturned. In addition, the reasons for decision failed to give sufficient weight or consideration to the hardship that a return to Jamaica might cause Ms. Baker, given the fact that she had been in Canada for 12 years, was ill and might not be able to obtain treatment in Jamaica, and would necessarily be separated from at least some of her children." [para. 73]

431. For an H&C decision where children are implicated, the Court held that "attentiveness and sensitivity to the importance of the rights of children, to their best interests, and to the hardship that may be caused to them by a negative decision is essential for an H&C decision to be made in a reasonable manner ." [para. 74].

In overturning the immigration officer's decision, the Court concluded:

> "The principles discussed above indicate that, for the exercise of the discretion to fall within the standard of reasonableness, the decision-maker should consider children's best interests as an important factor, give them substantial weight, and be alert, alive and sensitive to them. That is not to say that children's best interests must always outweigh other considerations, or that there will not be other reasons for denying an H&C claim even when children's interests are given this consideration. However, where the interests of children are minimized, in a manner inconsistent with Canada's humanitarian and compassionate tradition and the Minister's guidelines, the decision will be unreasonable." [para. 75]

432. In March 1999, the Minister of Citizenship and Immigration issued a new set of guidelines for officers making decisions in relation to applications to remain in Canada made on humanitarian and compassionate grounds. Applicants are individuals who wish to be exempted from the statutory requirement of applying for and being granted an immigrant visa prior to their arrival in Canada.

433. An assessment of risk to a person who may face mistreatment abroad may also be carried out as part of this review. Children and adults may obtain this review on completion of an application and payment of a fee of $500 in the case of an adult or $100 in the case of a child under the age of 19.

434. Individuals may also seek judicial review of any decision or order under the immigration legislation before the Federal Court of Canada. Although the Court must grant leave (i.e. permission) for the judicial review, the threshold for obtaining leave is relatively low. In the ensuing review, the Court determines if the request for review raises a serious question and whether there is an arguable case.

435. Some noteworthy cases of this kind have come before the Canadian judiciary. In *Baker v. Government of Canada* (discussed above), 2 issues were raised: the role of the *Convention on the Rights of the Child* in domestic litigation and the deportation of a parent, resulting in the

separation of family. The Supreme Court of Canada held that the ratification by Canada of the *Convention on the Rights of the Child* and the recognition of the importance of children's rights and the best interests of children in other international instruments ratified by Canada are indicators of the importance of considering the interests of children when making a compassionate and humanitarian decision under the *Immigration Act*. In the present case, the Court held that a well-informed member of the community would not perceive the recommendation of the immigration officer as being free from a reasonable apprehension of bias. Principles of fundamental justice therefore were violated in this particular case.

436. Any person, including an unaccompanied minor, whom the Refugee Division of CRDD determines to be a Convention refugee may apply for landing (permission to establish residence in Canada). The individual may also include in their application for landing any dependents, provided the applicant and any dependent has satisfactory documentation related to identification and has not committed a serious crime. While immigration legislation does not specifically provide for the reunification of the child with his or her immediate family from overseas, family reunification in Canada is possible if a private group sponsors the child's parents. In recent years, this approach has facilitated family reunification for several Vietnamese minors.

Reunification of Family

437. In its Concluding Observations on *Canada's First Report*, the Committee expressed concern about delays in reunifying families in situations where one or more members of a family have acquired refugee status in Canada. The Government of Canada notes the Committee's concern.

438. The Committee may wish to note the progressive amendments to the *Immigration Act* in 1993 (Bill C-86) which resulted in significant improvements in the processing of applications from Convention refugees for permanent residence in Canada. Previous to these changes a Convention refugee had to obtain permanent resident status before sponsoring dependent family members. With these amendments, Convention refugees may now apply simultaneously for permanent residence for themselves and their dependent spouses and children. Furthermore, they may do so whether the dependents are living in Canada or abroad.

439. A Convention refugee in Canada cannot obtain permanent resident status until all of the dependents included in his/her application have been located and have met the relevant statutory, including security, requirements. Failure to locate dependents will delay the granting of permanent residence status. When this happens, the Convention refugee applying for landing on behalf of him/herself and dependents has 2 choices. One is to delay the application pending the location of all dependents for whom the applicant is seeking landed status. The other is to remove the missing dependent(s) from the application. If the applicant chooses the latter option, the government notifies him or her in writing that there is the possibility of permanent separation, although the applicant may sponsor family members to come to Canada later. Dependents who are subsequently located may be added to an application within a prescribed period of time.

440. Claimants in Canada who have been found to be refugees are eligible, together with their dependents, for permanent residence in Canada regardless of their medical condition. The regulations do not require dependents to meet the definition of a Convention refugee.

441. Although Canada places a high priority on the reunification of refugee families, it urges families not to put children at risk by sending them forward, either alone or in the company of "couriers," in an effort to gain their admission to Canada.

Undocumented Convention Refugees

442. According to Canadian immigration legislation, Convention refugees must provide a satisfactory identity document to obtain permanent residence. In recent years, it has become evident that some Convention refugees are unable to meet this requirement as a result of sustained political turmoil in their country of origin and/or the lack of a central authority that could issue identity documents. Once a Convention refugee becomes a permanent resident, he/she may apply to sponsor any remaining dependents as members of the family class.

443. On January 31, 1997, the federal government introduced a new classification: the Undocumented Convention Refugee Class in Canada (UCRCC). This permits citizens of designated countries (at the time of the writing of the report, Somalia and Afghanistan) to apply for permanent residence without fulfilling the requirement to provide an identity document. UCRCC applicants can apply for permanent residence five years after the acceptance of their refugee claim. Dependents in Canada obtain permanent residence at the same time as the principal applicant.

444. Family reunification for dependents outside of Canada will be delayed during the five-year waiting period. After the refugee has obtained permanent residence, he/she may sponsor his/her spouse and dependent children under 19 years of age residing abroad. In addition, children of undocumented refugees who reach 19 years of age during the five-year waiting period may benefit from exceptional processing on humanitarian and compassionate grounds, provided they are still unmarried and were listed on their parent's initial application for permanent residence. Under ordinary circumstances, children 19 years of age and over must be financially supported by their parents and in full-time study or disabled to be sponsored as dependent sons or daughters.

Removals

445. Canada is cognizant of the need to balance the different and important interests at stake: Canada's interests in protecting society and regulating immigration are to be carefully weighed in relation to the interests of the individual facing removal and the impact of this removal on his/her family members.

446. When a permanent resident has been reported as being in Canada illegally under the *Immigration Act*, immigration officers usually interview the individual to determine all the circumstances of his/her case, and provide a recommendation to a senior manager as to whether

the individual should be directed to inquiry, which could lead to deportation. Under the guidelines provided to officers, these considerations include family considerations. At the inquiry, there is no consideration of humanitarian or compassionate factors such as family interests as the matter relates only to the individual concerned. The permanent resident's rights to appeal a deportation order will vary depending on the seriousness of the criminal behaviour. At the Appeal Division of the Immigration and Refugee Board, appeal rights have been determined by the UN Human Rights Committee to be an adequate method for balancing legitimate State interest vs. individual's interests; in the "danger to the public" process, individuals are provided with the opportunity to make written submissions to the decision-maker with respect to humanitarian and compassionate considerations such as family ties; and in the security certificate process, family ties may be considered through a humanitarian and compassionate application.

447. With respect to non-permanent residents, usually those who have had no legal status in Canada, or who had temporary status at one time (visitor, for example), family interests can be considered through a humanitarian and compassionate application or an application for a Minister's permit.

Factors, Difficulties and Progress

Delays in the Refugee Determination System

448. Canada faces the challenge of balancing fairness with effectiveness by protecting those who need protection, while dealing efficiently with those who apply for refugee status for reasons not related to protection. While the system for determining refugee status is widely respected as a result, it can involve delays in reaching final disposition of cases.

449. The resulting delays in the determination of a claim can harm those in need of protection and undermine the integrity of the system. Children, in particular, suffer because of the insecurity this delay brings into their lives. The delays often interrupt schooling for weeks and children find it difficult to establish themselves.

450. In January 1999, the Minister of Citizenship and Immigration announced a number of future directions for the immigration and refugee programs. These announcements include proposals to consolidate and streamline the refugee determination process. The government hopes that implementation of these proposals will speed up the process so that refugee claimants, including children, can get on with their lives as quickly as possible. Another proposal would reduce the waiting period for the Undocumented Convention Refugee Class in Canada from 5 years to 3. This would hasten both stability and family reunification for those who are unable to obtain documentation due to conditions in their home countries.

451. The Urgent Protection Program (UPP) for refugees requiring resettlement on an urgent basis for reasons related to immediate threat to life, liberty or personal danger was introduced by Citizenship and Immigration Canada (CIC) in 1999. While all refugees in immediate need for protection are eligible under the UPP, a pilot project will be implemented in 1999 that will focus

on Women at Risk (AWR), with the objective, where possible, of assessing cases within 48-72 hours.

Reunification of family—International Context

452. The Canadian International Development Agency (CIDA) has supported the work of family reunification in developing countries. For example, CIDA's Rwanda program has been supporting efforts to reunify children with their families since 1995.

453. CIDA supports family reunification through several international agencies. These include the United Nations High Commissioner for Refugees (UNHCR) and Canadian non-governmental organizations such as *Centre canadien d`etudes et de coopération internationale* (CECI).

2. Children in armed conflict – Article 38, including physical and psychological recovery and social reintegration

Paragraph 1: Respect for international humanitarian laws

454. In accordance with the provisions of the *1949 Geneva Convention* and the *1977 Additional Protocol*, Canada continues to educate members of the Canadian Armed Forces about international humanitarian laws regarding combatants, prisoners of war and civilians, including children.

International Context

Paragraphs 2 and 3: Participation in armed conflict

455. Canada is actively participating in the negotiation of an *Optional Protocol to the Convention on the Rights of the Child* which would deal with children in armed conflict. The Government of Canada supports the early adoption of a strong text to raise the minimum age for participation in hostilities and for recruitment into the armed forces.

456. Formalizing a long-standing practice, Canada is in the process of codifying its practice of not sending anyone under the age of 18 to hostilities, and is in the process of examining current legislation on the recruitment of individuals who are under 18 years of age. The intent is to bring Canadian laws into line with the expected terms of the *Optional Protocol.*

457. Canada also strongly supports the UN Special Representative on Children and Armed Conflict (SRSG) as an advocate on behalf of children in situations of conflict. To this end, Canada will be part of a coalition of countries who will act as “Friends of the SRSG.” The Government of Canada has financially supported this coalition of like-minded governments and NGOs who are seeking to raise the age of deployment and recruitment.

458. Canada is committed to assisting in the demobilization and reintegration of child soldiers into civil society. In March 1998, the federal government convened an International Roundtable

on Child Soldiers to examine a role for Canada in addressing the issue of children and armed conflict. NGOs and experts attended the session.

459. In addition, the federal government has supported a project in the Democratic Republic of Congo to help the national and provincial authorities demobilize 1,500 child soldiers (aged 9 to 16 years) and reintegrate them into their families and civil society. The project also seeks to support their primary school education and skills training. The government has also contributed to a Canada-Norway initiative in Algeria to train local health care and social work professionals to assist children suffering from trauma as a result of the conflict there.

460. The Department of Foreign Affairs and International Trade (DFAIT) seconded Visiting UN Fellow Nigel Fisher, former UNICEF Director for Emergency Programs, to advise the department and the Minister on children and armed conflict. Mr. Fisher assisted in drafting a policy framework for Canada on war-affected children.

Paragraph 4: Protection and care of children

461. Canada continues to take part in peacekeeping activities or other actions of a military nature in accordance with the United Nations Charter. Since 1994, these operations have included peacekeeping missions on several continents. As a matter of policy, Canadian armed forces involved in these operations take special measures to protect and provide for non-combatants, including children.

462. Through international humanitarian assistance, the Canadian International Development Agency (CIDA) has provided substantial support to children affected by armed conflict. CIDA works with UN agencies such as UNHCR and UNICEF, as well as Canadian and international NGOs such as *Médecins Sans Frontières*, the Red Cross and World Vision. These projects have focused on the following areas:

- basic human needs (including food, water, sanitation and health services) to children and their families;
- the rebuilding of physical infrastructures destroyed by conflict (including schools, hospitals and orphanages);
- education and the development of rehabilitative facilities for children and youth;
- family reunification and assistance for internally displaced and unaccompanied children;
- shelter and counselling services for children psychologically affected by war (including physically and sexually abused girls);
- the demobilization and reintegration of child soldiers;
- demining and land mines awareness-raising campaigns; and
- direct support to Ministries of Youth, Health, Sport and Education.

463. One example of the kind of work CIDA has supported for children affected by armed conflict is in Croatia, where the International Children's Institute (ICI) cares for children who are struggling with trauma and stress by helping them develop the emotional coping skills they need for their total well-being. Working with teams of experts in psychology, education,

communication and health and with children and parents, the ICI develops community and school based programs focused on developing children's emotional coping and resiliency skills. Since the fall of 1993, the ICI has been working with mental health, education and communications professionals in Dubrovnik, Croatia to implement their building bridges program.

Article 39

464. See programs listed under Articles 34, 37 and 40 and provincial/territorial sections.

B. Children involved with the system of administration of juvenile justice

465. This section deals with the issue of juvenile justice and in particular with Canada's proposed youth justice system. Although the system was announced in the Spring of 1998 (and therefore technically falls outside this reporting period), it is included here because of the significance of the changes.

466. In particular, this section elaborates on proposed changes to the *Young Offenders Act* which have occurred since *Canada's First Report on the Convention on the Rights of the Child*. The Bill, entitled the *Youth Criminal Justice Act* was introduced in Parliament in March, 1999.

Constitutional Framework

Division of Power

467. The Government of Canada and the provincial governments share constitutional responsibility for matters relating to children in conflict with the law. The federal government has jurisdiction over criminal law, including criminal procedure. Provincial and territorial governments have jurisdiction over the administration of juvenile justice, including the provision of custodial and health facilities and services for young people in conflict with the law.

468. This sharing of responsibility of the juvenile justice system between 2 levels of governments and several jurisdictions requires an integrated approach to law-making. How this approach functions is described in detail below, under the heading "Comprehensive Review of Youth Justice System."

Factors, Difficulties and Progress

469. While the federal government consults the provinces and territories on the development of, and modifications to, the youth justice legislation, it also provides them with financial assistance in their administration of the legislation and delivery of programs and services for young people in conflict with the law.

470. When the *Young Offenders Act* was proclaimed in 1984, the federal government entered into new financial agreements with the provinces and territories. These arrangements expanded

the scope of the federal assistance which, until then, had been limited to custodial services and some after-care programs. These agreements extended financial assistance to alternative measures, bail supervision programs, post-adjudication detention, and the preparation of pre-sentence reports and other specialized assessments. New financial arrangements are now being negotiated with the provinces and territories with a view to promoting in a more direct fashion the policy objectives of the upcoming new legislation.

Canadian Charter of Rights and Freedoms—Legislative Guarantees

471. The rights set out in Article 40 (*a*) and (*b*, i, ii, iii, iv, and vi) of the *Convention on the Rights of the Child* are guaranteed under sections 7 (right to life, liberty, security of the person), 11 (legal rights) and 14 (right to an interpreter) of the *Canadian Charter of Rights and Freedoms.*

472. Legislation in Canada provides for the right of appeal, as stated in Article 40 (*b*) (v) of the Convention. As well, the privacy of most accused youth and young offenders is respected throughout legal proceedings and after a verdict is rendered. Except for certain circumstances, publication bans are a statutory requirement. This area is covered in further detail below.

473. The rights protecting children deprived of their liberty (Article 37 (*a*), (*b*) and (*d*)), are guaranteed in sections 12, 9, and 10 of the Charter, respectively. Section 12 guarantees "the right not to be subjected to any cruel and unusual treatment or punishment." It should also be noted that capital punishment is not permitted in Canada. Section 9 guarantees "the right not to be arbitrarily detained or imprisoned." Section 10 guarantees "the right on arrest or detention to retain or instruct counsel without delay, and to have the validity of the detention determined by way of *habeas corpus*."

474. Upon ratification of the Convention, Canada entered a reservation with regard to Article 37 (*c*), to ensure that in determining the custodial arrangements for a young offender, the well-being of other young offenders and the safety of the public may be taken into account.

475. Where an accused young offender is convicted and sent to imprisonment, the (current) *Young Offenders Act* requires the court, after affording the young person, the parents of the young person, the Attorney General, the provincial director and representatives of the provincial and federal correctional systems an opportunity to be heard, order the young person to serve any portion of the imprisonment in either a) a place of custody for young persons separate and apart from any adult who is detained or held in custody; b) a provincial correctional facility for adults; or c) where the sentence is for 2 years or more, a penitentiary. In making such an order, the Court shall take into account

a) the safety of the young person;
b) the safety of the public;
c) the young person's accessibility to family;
d) the safety of other young persons if the young person were to be held in custody in a place of custody for young persons;

e) whether the young person would have a detrimental influence on other young persons if the young person were to be held in custody in a place of custody for young persons;
f) the young person's level of maturity;
g) the availability of suitable treatment, educational and other resources that would be provided to the young person in a place of custody for young persons and in a place of custody for adults:
h) the young persons's prior experiences and behaviour while in detention or custody;
i) the recommendations of the provincial director and representatives of the provincial and federal correctional facilities; and
j) any other factor the court considers relevant.

(*Young Offenders Act*, R.S.C. 1985, c. Y-1, s. 16.2)

1. Administration of Juvenile Justice System – Article 40

Comprehensive Review of Youth Justice System

476. Following amendments to the *Young Offenders Act* in June 1994, the Minister of Justice directed the Standing Committee on Justice and Legal Affairs to undertake a thorough, open-minded and critical examination of the Act.

477. At that time, the federal government also established a Federal-Provincial-Territorial (FPT) Task Force on Youth Justice. The mandate of the task force was to conduct a comprehensive review of the Act. The Task Force's *Report on Youth Justice*, completed in August 1996, contained recommendations on key elements of the youth justice system, such as age jurisdiction, serious offenders, alternatives to the courts, transfers to adult court, improvements to the administration of justice, and sentencing. The report was referred to the Standing Committee for its consideration.

478. In April 1997, following extensive consultations with organizations and governments across Canada and the consideration of numerous briefs and reports, including that of the FPT Task Force, the Standing Committee released its 13th report, *Renewing Youth Justice*. (See Appendix B for Committee's recommendations).

479. In May 1998, the Government responded by issuing "A Strategy for the Renewal of Youth Justice." The strategy is based on three key directions: prevention; meaningful consequences for youth crime; and intensified rehabilitation and reintegration for serious and violent young offenders. The renewal strategy is discussed in detail below as it pertains to the various Articles of the Convention.

Article 40 (2, vii): Right to privacy

480. The *Young Offender Act* permits the media to report on youth court proceedings provided the identity or information leading to the identification of the young offender is not revealed. There are a few exceptions to this prohibition :

- The identification of a young offender transferred to adult court can be revealed.

- The youth court may authorize the release of the name of a young accused if the youth is at large, a danger to others, and the publication is necessary to assist in his or her apprehension.

- A young person can apply to the youth court to have his or her name released to the public and the youth court may grant the application if it is deemed not to be contrary to the youth's best interests.

- The youth court may also, on application from the Crown or a peace officer, authorize the release of information to designated persons in order to avoid serious harm, if the young person has been found guilty of an offence involving serious personal harm, or if the young person poses a risk of serious personal harm.

- Information may be shared with school officials about a young offender where such a step is required to ensure the safety of staff, students and others.

481. The Standing Committee recommended that the *Young Offenders Act* be amended to provide youth court judges with the discretion to allow general publication of the name of a young offender in circumstances where people are at risk of serious harm and where, for safety reasons, the public interest requires that publication be done.

482. Under the current system, as noted above, the name of a young person transferred to the adult system can be made public. The federal government proposes that the names be made public in cases where the young offender is convicted and given an adult sentence.

483. The federal government also proposes an approach that permits publication in certain defined circumstances after the individual has received a youth sentence. For example, the name of a young offender 14 years of age or older who has been convicted of one of the five presumptive offences (murder, attempted murder, manslaughter, aggravated sexual assault, or an offence which forms part of a pattern of serious violent offences) could be published, even if he or she does not receive an adult sentence. However, the judge would have the discretion to order that the name not be made public.

Article 40 (3) (*a*): Minimum age

484. The minimum age for an individual to become involved in the youth justice system is 12 and will remain at 12.

485. The Standing Committee had recommended that, in exceptional circumstances, 10 and 11 year old youth suspected of committing extremely violent offences should be subject to the youth justice system. The Standing Committee further recommended that this be done at the consent of the provincial Attorney General and that the court's authority would include placing the child in the care of child welfare authorities if required.

486. However, the federal government, after careful consideration of the recommendation, concluded that referral to the appropriate provincial/territorial social and mental health services would provide a better response to the needs of these youth. The Government of Canada believes that these services are more age-appropriate, family-oriented and therapeutic than those available through the criminal justice system for children of this age.

487. In Canada, very few children under the age of 12 are involved in serious, violent behaviour. Recent experience indicates that if the juvenile justice legislation had been extended to children 10 to 12 years old, fewer than 3 or 4 children within that age group would be charged with a presumptive offence in Canada each year.

Article 40 (3) (*b*): Alternative measures to judicial proceedings

Crime Prevention Initiative

488. The National Strategy on Community Safety and Crime Prevention is designed to help Canadians create safer communities by supporting community-based crime prevention efforts, enhancing communities' knowledge and experience with respect to crime prevention and fostering partnerships and collaboration. Phase I of the Strategy was launched in 1994. This phase provided a framework for federal efforts to support community safety and crime prevention. It encouraged federal, provincial and territorial cooperation and emphasized the mobilization of Canadians to take action at the community level to prevent crime. As part of Phase I, the federal government created the National Crime Prevention Council (1994-1997), which was composed of 25 individuals with various backgrounds and expertise.

489. Phase II of this strategy was launched in 1998 and consists of 3 funds: the Investment Fund, the Partnership Fund and the Community Mobilisation Programs. Examples of initiatives created by Phase II will be outlined in the next report.

Other Child-oriented Programs

490. The National Children's Agenda and the Aboriginal Healing Strategy are 2 examples of federal government programs that aim to improve the lives of children and, among many other benefits, reduce the number of young people who commit criminal acts. These and other government initiatives are discussed throughout this report.

Specific Alternatives to Judicial Processes

491. Alternatives to the formal youth justice system are an important component of Canada's youth justice strategy. The Government of Canada recognizes that the majority of youth crime is of a temporary and minor nature and that the involvement of communities, offenders, victims, families and others in responding to the wrongdoing generally leads to more enduring solutions.

492. The police play a key role in promoting the use of alternatives to the justice system, screening youth into alternative programs, and developing informal and effective resolutions for

delinquent behaviour. Consistent with the recommendations of the Standing Committee, the new legislation will give the police appropriate flexibility to exercise their discretion in support of effective alternatives to formal judicial procedures. In addition, the government will ensure that the youth justice system encourages alternatives to youth court proceedings, such as diversion programs, family group conferencing and other alternative measures or programs.

493. The Community and Youth Justice Committee approach is an example of an effective alternative measure. These committees develop responses and programs that are tailored to the needs of individual young people and their communities.

Article 40 (4): Variety of dispositions

Community-Based Sentences

494. Community-based sentences provide effective alternatives to custody for many young offenders. They encourage family members and the larger community to participate in resolving conflicts and developing solutions to youth crimes. Community-based sentencing provides greater and more meaningful assistance to young offenders, without sacrificing public safety.

495. Community-based measures can also be used as the basis for reintegration and after-care programs. These programs help provide a structured transition back to the community for youths who have been in custody, thereby reducing the chances of reoffending. The Youth After-Care Program in St. John's, Newfoundland, for example, provides young offenders with education programs, job training and individual counselling to assist in their reintegration.

496. The proposed youth justice legislation provides for increased re-integration measures which assist a young person in successfully reintegrating back into the community after a period of custody.

497. Due to the large number of Aboriginal youth in custody there is a special need to examine community based alternatives for Aboriginal youth. The Aboriginal justice inquiries in Alberta, Saskatchewan and Manitoba found disproportionately high pre-trial detention and custodial rates for Aboriginal youth. The Manitoba inquiry recommended resources for Aboriginal communities to develop community-based alternatives to detention.

Factors, Difficulties and Progress

498. The development and implementation of community-based sentencing programs will require financial resources. The Standing Committee recommended a significant shift in resources from custodial institutions to community-based services and the negotiation of new federal/provincial/territorial financial agreements to reflect this objective.

499. To this end, the development of a wide range of alternatives to courts and incarceration are a priority for the Government of Canada, and will be reflected in the negotiation of new federal/provincial/territorial cost-sharing arrangements. Initially, programs will require start-up

funds, and these will vary with the unique needs of each jurisdiction. The savings resulting from reduced incarceration will provide ongoing funding for alternative programs and for improved treatment of the more serious offenders who receive custodial sentences.

500. Federal, provincial and territorial cooperation is essential to achieving the shared objectives of the renewal of youth justice. Alternatives and community-based sentences should help reduce administrative costs for the provinces and provide a youth justice system with more choices available to judges. This, in turn, will assist in the availability of custodial resources for violent and serious young offenders.

2. Children deprived of their liberty – Article 37

Paragraph (*b*): Arbitrary detention

501. The constitutional and statutory guarantees outlined in the First Report remain.

502. For the vast majority of offences, non-custodial sentences are imposed. When custody is imposed, an annual judicial review, including a full reassessment of the young offender's sentence, is available to the young person. Furthermore, young offenders who are transferred to a more secure level of custody may request either an administrative review by an independent review board or judicial review of the decision.

Paragraph (*c*): Separate detention of young offenders

503. The vast majority of young offenders who are detained are in custody in youth custody facilities. However, upon ratification, Canada entered a reservation with regard to Article 37 (*c*) to ensure that, in determining the custodial arrangements for a young offender, the well-being of other young offenders and the safety of the public may be taken into account.

504. According to the proposed legislation, all youth under 18, even those serving an adult sentence, are presumed to be placed in youth custody facilities.

505. With regard to detention prior to sentencing, the proposed legislation will stipulate that a young person detained prior to sentencing shall be held separate and apart from any adult who is detained or in custody unless:

- a youth justice court judge or a justice is satisfied that it is in the best interests of the young person and the young person cannot, having regard to either his own safety or the safety of others, be detained in a place of detention for young persons or;
- no place of detention for the young person is available within a reasonable distance.

506. As well, the proposed legislation states that following arrest, a young person who is detained shall be transferred to a place of temporary detention separate from adults as soon as practicable and in no case later than the first reasonable opportunity after the appearance of the young person before a youth justice court judge or justice.

507. Correctional Services Canada has conducted an internal review of young offenders sentenced to federal custody to ensure that the safety, well-being and programming needs of the offender are appropriately met.

508. As of September, 1999, there were 8 young offenders held in adult penitentiaries. A majority of these offenders are Aboriginal. Correctional Services Canada is currently exploring the possibility of transferring some of the Aboriginal young offenders to Aboriginal healing lodges to best meet their needs.

Paragraph (*c*): Separate detention in immigration context

509. Children may arrive in Canada with or without a parent or guardian. In all cases, the rights of the child remain paramount. The deprivation of the liberty of children for purposes of immigration security is used only as a measure of last resort.

510. The *Immigration Act* provides that an immigration officer may detain for two reasons:

- there are reasonable grounds to believe the person poses a danger to the public;
- there are reasonable grounds to believe the person would not or is not likely to appear for an examination, an inquiry or removal from Canada.

511. As noted, the decision to detain a person is not made lightly and immigration officers are instructed to consider other options, such as cash or performance bonds or promises to appear, whenever possible. In situations involving families, it is often only the head of family who is detained.

512. The rights of the person detained are protected by the *Canadian Charter of Rights and Freedoms* and, more specifically, the *Immigration Act.* The Act provides for detention reviews to ensure that the person is detained with cause and that he or she may speak on their own behalf. Everyone who is detained is advised of their right to retain and instruct counsel.

513. A detention review must occur before an adjudicator of the Immigration and Refugee Board after the first 48 hours of a person's detention. Further reviews are conducted after 7 days and every 30 days thereafter. The adjudicator reviews the reasons for continued detention on each occasion. Should the adjudicator find that reasons for continued detention do not exist, he or she may order that the person be released.

514. Citizenship and Immigration Canada operates two holding centres. These are minimum security establishments which detain people considered to be low risk. These centres are not jails. In contrast, criminals, terrorists and danger cases are detained in jails operated by provincial governments. Low risk individuals and families who must be detained in a community distant from a holding centre are typically accompanied by security personnel to a local hotel or motel. This is usually done to ensure and facilitate removal of a family that has a history of not cooperating.

515. Operational guidelines for immigration officers provide that in cases involving minors, especially unaccompanied minors, "the decision to detain/release should also be guided by Article 3 of the *Convention on the Rights of the Child*," which provides that in all actions concerning children undertaken by administrative authorities, the best interests of the child shall be a primary consideration.

516. In cases where children arrive accompanied by a parent or guardian and the parent or guardian is detained, any request to keep the family together is assessed and efforts are made to allow the children to stay with the parents. Where the parents are held in an immigration holding centre, the family is generally segregated from the general population of the facility, often with separate sleeping facilities for the women and children. At the detention facility in Laval, the minor is kept with the mother and the father's room is in the men's building but he may come over during the day and stay with the family. In Mississauga, the family is kept together in a room which is separate from the men's and women's facilities.

517. In cases where children arrive in Canada without a parent or guardian, officials attempt to locate relatives already in Canada wherever possible. Provincial and municipal child welfare authorities are also notified. Detention of an unaccompanied child at an immigration facility for more than a brief period, the time required to ensure that the child will receive proper care elsewhere, is unusual. Detained children are always held apart from the rest of the incarcerated population. They are closely monitored and have access to common areas where toys, games, television, books and outdoor recreation activities are made available. There is also on-site medical staff available.

518. Certain non-governmental organizations have full access to immigration holding centres while other organizations have access to visit and provide support to a person in a holding centre. The Department of Citizenship and Immigration works closely with these organizations to improve conditions for detained persons and to resolve problems which may arise.

519. The *National Standards and Monitoring Strategy* for immigration holding centres, which were developed in cooperation with non-governmental organizations, include a section under "Special Measures" for both unaccompanied and accompanied minors which includes: physical placement, access to education and recreational programs and monitoring with respect to health and psychiatric care. For example, the strategy recommends that minors detained for more than 7 days have access to education.

Paragraph (*d*): Legal assistance

520. Young persons under the current Young Offenders legislation and under the proposed Bill have the right to counsel at any stage of the proceedings. A court can order the Attorney General to have counsel appointed for the young person.

C. Children in situations of exploitation, including physical and psychological recovery and social integration

1. Economic exploitation – Article 32

521. The statutory protections as outlined in the First Report remain.

522. The Government of Canada is committed to reducing the economic exploitation of children internationally as well as domestically.

523. In October 1997, Canada hosted a trilateral conference in Ottawa with its NAFTA (North American Free Trade Agreement) partners, the United States and Mexico. The purpose of the conference was to discuss trends in this area and to consider measures that various sectors of society could adopt to reduce inappropriate child labour. Items on the agenda included legal protection afforded to children, education programs, access to social services and child care, and adequate safeguards for the safety and health of working children and youth.

524. In April 1997, the Minister of Foreign Affairs announced the creation of the *Child Labour Challenge Fund*, aimed at engaging Canada's private sector in contributing to international efforts to eliminate exploitative child labour. The fund ended in March 1999.

525. The federal government, through the Canadian Centre for Foreign Policy Development (CCFPD), has supported a number of public initiatives to combat exploitative child labour. These initiatives have included roundtables, youth education programs, awareness raising and workshops. The results of these projects and proceedings are widely disseminated through the Centre's publications and Web site and through its growing policy community network across Canada.

526. The Canadian International Development Agency (CIDA) has also addressed the issue of child labour, through poverty alleviation and an integrated set of activities including investments in primary education, creating alternate employment opportunities for adults, especially women, and projects specifically targeted at child labourers. CIDA is working to address the immediate needs of child labourers by supporting their right to education, health care, and to a safe childhood. CIDA also believes that children's participation should be an integral part of any intervention.

527. An example of CIDA's approach to integrating child protection into project activities is the Small and Micro Development in Upper Egypt (SMEDUP) project, which began in 1996. Delivered by the Foundation for International Training, the project helps Egyptian people create small businesses and jobs in order to improve their quality of life. Child protection has become an increasingly important theme in the project which works with the new enterprises to ensure that any children employed in the firms are not exploited, work in a safe environment and receive access to training and education that will serve them in the future. The project also promotes better practices in protecting working children amongst the small business sector through its

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involvement in the Egyptian Small and Medium Enterprise Associations' group on Children and Work.

528. In 1996, Canada contributed $700,000 to the ILO's International Program for the Elimination of Child Labour (IPEC) and, in 1997, participated in both the Amsterdam (February) and Oslo (October) Child Labour Conferences. The purpose of these conferences was to build momentum for the adoption in 1999 of a new ILO Convention dealing with the most extreme forms of child labour. Canada is committed to the elaboration of such a Convention and has made its negotiation the focus of our multilateral efforts on the issue of exploitative child labour.

529. In April 1998, in response to a 1997 report by the House of Commons Sub-Committee on Sustainable Human Development, the Government of Canada tabled *Ending Child Labour Exploitation: A Canadian Agenda for Action on Global Challenges*. The report outlined the government's ongoing efforts and new actions in this area, including work with key multilateral organizations. New initiatives included a study on child and youth labour in Canada and a contribution of $500,000 to support the work of the ILO's Statistical Information and Monitoring Program on Child Labour (SIMPOC).

2. Drug abuse – Article 33

Measures in Force

530. In 1997, Canada's new *Controlled Drugs and Substances Act* came into force. The Act, which modernized and consolidated the existing drugs and narcotics legislation, provides mechanisms to ensure that the export, import, production, distribution, possession, and use of internationally regulated substances are confined to medical, scientific and industrial purposes.

Priorities and Goals

531. Addressing the needs of youth is a priority of Canada's Drug Strategy, which aims to reduce the harm associated with alcohol and other drugs to individuals, families and communities. Strategy initiatives include research on the risk factors and root causes of substance abuse, the analysis and dissemination of information about best practices for prevention, and the development of resources for those who work with youth in this area. A number of federal departments work closely with provincial/territorial governments and a variety of other stakeholders on four fronts to:

- prevent the use of drugs by those not currently using them;
- reduce the harm to those who do use them;
- enhance treatment and rehabilitation for those affected by substance abuse; and
- cooperate at the international level to address the global drug problem.

Institutions and Mechanisms

532. The Canadian Centre on Substance Abuse (CCSA) was established by an Act of Parliament in 1988 and is funded by the Canadian government. The centre operates as a national clearinghouse for the collection, analysis and dissemination of knowledge on substance abuse, addiction and related health information. For example, CCSA provides information for youth on its Web site and operates a Resource Centre on Fetal Alcohol Syndrome/Fetal Alcohol Effects. CCSA has been working with the United Nations International Drug Control Program (UNDCP) to establish a virtual clearinghouse on substance abuse.

533. The Government of Canada recognizes the importance of education and prevention in reducing substance abuse and has developed a number of educational programs for a range of ages and needs. For example, *Just for Me*, which promotes a holistic approach to substance abuse prevention within schools and communities, is targeted to children 7, 8 and 9 years old. This program includes six 15-minute videos, a comprehensive teachers' guide and a peer-helper handbook. The program also includes a parent/home component with videos for parents, a parent's guide, and a parent workshop leader's manual.

534. *Your Choice. . .Our Chance* is aimed at children in grades 5 and 6. The program brings together schools, families, and communities in a working partnership to prevent the early use and abuse of alcohol, tobacco, and other drugs by young people. The program consists of 2 components: one for use in schools and one for use in the community. The school component includes teacher's and facilitator's guides and 10 15-minute videos that show young people in realistic situations and which focus on behaviour, development and skills-building. The community component contains a community handbook and 3 30-minute videos illustrating successful community programs.

535. Canada's Drug Strategy collaborated with the National AIDS Strategy to coordinate a public awareness and education tour which used music and comedy to address the links between alcohol use and HIV infection among post-secondary students.

536. Health Canada and provincial territorial governments have collaborated in the Community Development Project for Youth-At-Risk in Montreal, Halifax, several communities in Manitoba and Saskatchewan, and Whitehorse. The project developed community activities and tools to address substance abuse issues facing at-risk youth. The project also provided valuable experience in the development of successful youth-based community programs, which was used to produce a model for community development and a booklet of tips for service providers.

537. *Horizons III—Young Canadians' Alcohol and Other Drug Use: Increasing Our Understanding*, the third of three key publications on at-risk populations, summarizes some of the most significant and interesting results about young peoples' alcohol and other drug use from recent Canadian surveys. It also identifies gaps in current knowledge and suggests methods to correct these deficiencies.

538. The project *Peer Helper Initiatives for Out-of-the-Mainstream Youth* focuses on the types of peer helper initiatives which have proved to be successful in working with youth-at-risk and the challenges that are present when developing or maintaining peer helper initiatives. The project developed a report and compendium of projects based on site visits in selected communities, interviews and focus group discussions with at-risk youth and with people providing them with services.

539. *Canada's Alcohol and Other Drugs Survey 1994: A Discussion of the Findings* looked at Canadians' behaviours and attitudes as they relate to alcohol and other drugs. The results of this survey are useful to people working in substance abuse and related health and social fields and also provide valuable information to policy makers, scientists and treatment and program specialists.

540. The Alcohol and Drug Treatment Program (ADTR) supports the provinces and territories in increasing and expanding innovative treatment and rehabilitation programs related to alcohol and other drugs. Youth is the prime target group for services funded under ADTR; other populations at risk, such as women, are also targeted.

541. Various social marketing initiatives have also been developed to address substance use issues among youth, including development of themes and scripts for popular television programs, collaboration with the private sector, continued partnership with Concerned Children's Advertisers, and the use of shopping malls to provide programs to youth. "Social marketing" uses marketing techniques to generate discussion and promote information, attitudes and values, thereby creating a climate conducive to social and behaviourial change.

542. In 1998, in collaboration with the United Nations International Drug Control Program (UNDCP), Canada hosted an international event on youth and drugs. Organized by the Alberta Alcohol and Drug Abuse Commission (AADAC), the Canadian Centre on Substance Abuse (CCSA) and several federal government departments, the event was attended by more than 150 young people from approximately 22 countries, including 75 youth from across Canada. Participants had the opportunity to discuss relevant issues, share ideas and information, and explore innovative approaches to addressing the global problem. A report containing recommendations from the youth was submitted to the United Nations General Assembly Special Session on Drugs in June 1998.

543. Health Canada, in collaboration with provincial/territorial governments and community groups, has participated in two phases of the World Health Organization (WHO) International Street Children Project. The first phase developed an international methodology to assist local communities to become involved in street children issues. The second phase of the project tested WHO-created resource materials and provided feedback for future revisions. A third phase, in which Health Canada will also participate, will focus on the dissemination of the information and the establishment of model programs, training centres, and research centres in participating countries.

3. Sexual abuse and sexual exploitation – Article 34

Measures in Force

544. Section 163.1 of the *Criminal Code* entered into force in August 1993. It prohibits the production, publication, importation, distribution, sale or possession of child pornography in order to protect children from child pornography, sexual exploitation and harm. Under the *Criminal Code*, child pornography includes photographic, film, video or other visual representations showing a person who is or is depicted as being under the age of 18 and is engaged in or depicted as engaged in explicit sexual activity. It also includes such visual representations where the dominant characteristic is the depiction, for a sexual purpose, of the sexual organ or anal region of a person under the age of 18. Further, any written material or visual representation that advocates or counsels sexual activity with a person under the age of 18 that would be an offence under the *Criminal Code* is also included in the definition of child pornography and is therefore prohibited.

545. The offences of production, importation, distribution and sale of child pornography, and possession for such purposes, carry maximum sentences of 10 years in prison; the offence of simple possession of such materials is subject to a maximum term of 5 years in prison.

546. In recent years, a number of cases before the courts have addressed concerns about the availability of child pornography on the Internet. In many Canadian provinces (e.g., Newfoundland, Nova Scotia, Quebec, Ontario, Saskatchewan, Alberta, and British Columbia), systems operators and individuals have been charged and convicted with either distribution or possession of child pornography under section 163.1 of the *Criminal Code.*

547. In a recent case, the British Columbia Supreme Court held that these provisions in the Criminal Code were unconstitutional, as the criminality of possessing child pornography infringed the accused's freedoms and rights under the *Canadian Charter of Rights and Freedoms*. The court held that the detrimental intrusion into the freedom of expression and to the right of privacy by making it an offence to simply possess pornography substantially outweighed the salutary effect of combating practices that put children at risk. The British Columbia Court of Appeal upheld the lower court's findings. The Crown has appealed the decision to the Supreme Court of Canada *(R. v. Sharpe* (1999) 136 C.C.C. (3d) 97).

548. The child sexual abuse provisions of the *Criminal Code* were amended by Bill C-15 in January, 1988. The bill required that a Committee of the House of Commons review these new provisions after four years in operation. Accordingly, in 1993, the Standing Committee on Justice and the Solicitor General reviewed Bill C-15 and reported its findings in *Four Year Review of the Child Sexual Abuse Provisions of the Criminal Code and the Canada Evidence Act (Formerly Bill C-15).* The federal government supported this review with research in a number of Canadian jurisdictions to assess the impact of the new legislation. Researchers also examined the impact of the 1988 amendments by reviewing the outcomes of child sexual abuse cases that were reported to the police and/or child welfare agencies in five Canadian cities. These research reports have been publicly released and widely disseminated.

549. In August 1993, Bill C-126 further amended the *Criminal Code* to provide increased protection to children from sexual abuse and to facilitate the giving of evidence by a child victim/witness. In particular, Bill C-126:

- created a new prohibition whereby a court may now make an order, for up to life, prohibiting a convicted sex offender from attending a public park or swimming area, or a school ground or playground, and from being an employee or volunteer in a position of trust over a child under the age of 14 years (section 161 of the *Criminal Code*);

- allows a person to obtain a peace bond (protective order), lasting up to 12 months, if he or she fears that another person will commit a sexual offence against a child. A condition of the peace bond may be that the defendant be prohibited from engaging in any activity involving contact with children under 14 years, and from attending a public park or public swimming area, or a daycare centre, school ground, playground, or community centre (section 810.1 of the *Criminal Code*);

- abrogated any requirement that a court warn the jury about convicting an accused on the evidence of a child (section 659 of the *Criminal Code*);

- permits a judge to prohibit the accused from personally cross-examining the child and to appoint counsel for the purpose of conducting the cross-examination (subsection 486 (2.3) of the *Criminal Code*);

- permits a support person to accompany the child while testifying and allows the judge to order that the support person and the witness not communicate with each other during the witness' testimony (subsection 486(2.1) of the *Criminal Code*);

- provides for the exclusion of the public while a child is testifying in a case involving sexual abuse or violence (subsection 486(1.1) of the *Criminal Code*); and

- prohibits anyone from doing anything in Canada for the purpose of removing a child, who is ordinarily resident in Canada, with the intention of committing one of the enumerated assault and sexual offences against a child, which if committed in Canada, would be an offence (section 273.3 of the *Criminal Code*).

550. During the Summer of 1994, federal departments consulted with provincial/territorial officials, police agencies and non-governmental organizations to assess support for improved measures to keep sex offenders away from children and for a registry of offenders. While participants did not support the establishment of a registry, there was support for measures to help NGOs screen out sex offenders from child-sensitive positions. The National Information Systems on Child Sex Offenders and the National Education Campaign were announced by the Solicitor General of Canada based on the consultation findings.

551. Accordingly, enhancements to the existing Canadian Police Information Centre (CPIC) database to provide more and better information regarding sex offenders were announced. CPIC,

which is accessible to all police agencies in Canada, now includes data on all convicted sex offenders (summary and indictable convictions), prohibition orders and peace bonds relating to sex offenders, age and sex of child victims of sexual abuse, and fingerprint information on persons accused of hybrid offences. Any organization that offers services to children and other vulnerable people can request that job applicants/volunteers obtain a CPIC criminal record check through their local police as a condition of employment or volunteer work.

552. The National Education Campaign, in partnership with the Canadian Association of Volunteer Bureaux and Centres, produced a comprehensive training manual on screening out sex offenders, a series of fact sheets and a video called *Duty of Care.* These materials have been used in over 200 communities across Canada, more than 2,500 manuals have been distributed, and training has been taken by more than 2,000 non-profit organizations and more than 500 palliative care organizations. This initiative was renewed in November 1997 for an additional two years.

553. The government is currently reviewing the effectiveness and adequacy of these initiatives with a view to strengthening the protection of children against sexual exploitation.

554. In May 1997, Bill C-27 amended the *Criminal Code* to allow for the Canadian prosecution of persons who engage in child sex tourism and to facilitate the apprehension and prosecution of persons who seek out the services of juvenile prostitutes in Canada. The bill also included provision for the mandatory minimum sentence of 5 years imprisonment for any person living on the avails of prostitution in relation to a person under the age of 18 and who uses violence against the person under that age and assists that person in carrying on prostitution-related activities for profit.

555. Parliament also amended the *Criminal Code* to specifically characterize female genital mutilation as a form of aggravated assault. Community representatives identified and supported the need for such an amendment to support ongoing educational efforts to halt this practice.

556. Status of Women Canada convened two roundtables to address the issue of child exploitation, and in particular, exploitation of girls and young women. In December 1996, the *Roundtable on Child Sex Tourism* brought representatives of the travel and tourism industry together with groups such as Street Kids International and End Child Prostitution in Asian Tourism (ECPAT) to look at ways in which Canadians can contribute to solving the problem of child sex tourism. The second roundtable, in March 1998, produced a draft action plan for a national education campaign against the commercial sexual exploitation of children. The campaign, called *Stolen Innocence*, brings together representatives of the Canadian travel and tourism industry, NGOs and governments to coordinate efforts to address the problem here and abroad.

557. Through its Women's Program, Status of Women Canada provides financial and technical assistance to organizations working to advance gender equality at the community, regional and national level. Support has been provided for the production and distribution of a culturally-sensitive workshop module for use by communities in which female genital mutilation is a traditional practice. The Women's Program has also supported projects to provide cross-

cultural sensitivity training for social workers, to improve communication between the government and agencies dealing with Aboriginal children, and to adopt a model of risk assessment designed by and for Aboriginal child welfare professionals. In addition, support has been provided for projects addressing the commercial sexual exploitation of children including research and development of a coordinated community action plan to address the sexual exploitation of children in Saskatoon.

558. The Government of Canada, through the work of a federal interdepartmental committee, is developing and promoting a Canadian strategy in line with the principles set out in the *Report of the Rapporteur-General*, prepared by Professor Vitit Muntarbhorn, former UN Special Rapporteur on the Sale of Children, Child Prostitution and Child Pornography. The strategy includes child participation, prevention, protection, recovery/reintegration, information collection and dissemination, international cooperation and follow-up. In 1997, the committee issued a list of federal government activities intented to eliminate the commercial sexual exploitation of children. The list is currently being revised.

559. In 1998 in Victoria, British Columbia, the Government of Canada hosted *Out From the Shadows—An International Summit of Sexually Exploited Youth*. The conference was initiated by Senator Pearson, Canada's Senator for Children's Rights, and Cherry Kingsley, a child advocate and former victim of sexual exploitation, following their participation in the First World Congress Against Commercial Sexual Exploitation of Children in Stockholm in 1996. In preparation for the Summit, sexually exploited children and youth in Canada were consulted on various issues. The five-day Summit brought together youth as well as representatives of governments and non-governmental organizations to examine issues related to the commercial sexual exploitation of young people and to develop strategies and initiatives. The Government also supported the attendance of both Canadian and international youth at the conference. Participants at the Summit developed a Declaration and Action Plan. Canada is now exploring ways to develop support mechanisms for youth returning to their communities, in areas of rehabilitation and counselling, education and training, and reintegration into the community and labour force.

560. Internationally, much of the work of the Canadian International Development Agency has a direct or indirect impact on the sexual exploitation of children. In particular, CIDA supports initiatives with street children, working children, sexually exploited/trafficked children, children affected by HIV/AIDS, and children affected by armed conflict to respond to the immediate needs of these girls and boys, reduce the vulnerability of all children to abuse, exploitation and violence, and support advocacy aimed at governments, civil society and children themselves to raise awareness of and change attitudes toward children that have been victims of violence and exploitation.

561. Internationally, much of the work of the Canadian International Development Agency benefits children who are vulnerable to sexual exploitation. For example, CIDA has provided support for women and children to increase their access to basic social services such as health care and education, and funding to non-governmental organizations such as StreetKids International who work directly with children vulnerable to sexual exploitation.

562. CIDA also supports projects which are targeted specifically at helping sexually exploited children. Through the Southeast Asia Fund for Institutional and Legal Development, CIDA supported the preparation of regional and country reports on the trafficking of women and children in the Mekong Region. At the regional Conference in Bangkok in 1997, delegates from each country shared views on cross-border issues, agreed to a working definition of trafficking, and reached some tentative decisions on cross-border protocols to protect and assist victims.

563. Programs that indirectly affect the sexual exploitation of children include innovative basic education projects, support of organizations working with street children and improving access to basic health services.

564. The Government of Canada strongly supports the early adoption of an Optional Protocol to the *Convention on the Rights of the Child on the Sale of Children, Child Pornography and Child Prostitution.* Canada has been very active in the negotiations to ensure that the text would obligate states to criminalize these practices and put in place measures for the protection of child victims.

Factors, Difficulties and Progress

565. The Government of Canada, in cooperation with the provinces and territories, is developing a two-component project to increase the protection of children and youth against abuse and neglect, including sexual exploitation. The first component will assess the need for amendments to the *Criminal Code* and the *Canada Evidence Act* regarding children's testimony (including competency, hearsay evidence, and videotaping), age of consent to sexual activity (including close-in-age exceptions), the definition of specific offences against children (physical and emotional abuse, neglect, child homicide), and sentencing to provide better protection of children. The second component will examine the early warning, prevention and enforcement stages of child protection as they relate to the *Criminal Code.* Working closely with provincial and territorial child welfare/protection officers, the project will develop intersectoral and interdisciplinary approaches (social services, criminal justice personnel, coroners, health professionals and educators) to increase protection to children.

4. Prevention of Sale – Article 35

566. In December 1996, Canada ratified the *Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption.* The Convention is in force in most provinces and territories. The Convention will assist in preventing the abduction, sale or trafficking of children.

5. Other forms of exploitation - Article 36

567. Minefields kill or maim an estimated 25,000 people a year, mostly civilians, and many of them children. Canada's long involvement in peacekeeping missions, where it has seen first-hand the lasting and devastating effects of land mines, was a major factor in Canada's decision to spearhead the diplomatic campaign to negotiate an international ban on the weapons. In December 1997, Canada hosted the formal signing of the *Convention on the Prohibition of the*

Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction, commonly known as the *Ottawa Convention*. The Government of Canada has pledged $100 million over the next five years to support the removal of the millions of mines in the ground and to provide assistance to victims and nations coping with their devastating effects. As well, the Government of Canada has worked closely with the UN Mine Action service and UNICEF on demining activities, awareness-raising and education around landmines.

568. Parental child abductions, another form of exploitation, are a source of growing concern to the Government of Canada. Parental child abduction occurs when a child is taken by one parent without the permission or legal authority of the other parent who has lawful custody of the child. It usually arises in the context of a custody dispute. Canada's law enforcement agencies and the *Criminal Code* provide measures for expedient location of abducted children and the punishment of the abducting parent. Parental child abductions were discussed in further detail in Theme V, Article 11 of this report.

Priorities and Goals

569. The House of Commons Sub-Committee on Human Rights and International Development released its *Report on International Child Abduction*. The report included recommendations to:

- examine, with the provinces and territories, ways to formally encourage other states to become signatories to the *Hague Convention on the Civil Aspects of International Child Abduction*;
- develop consistent data on domestic and international parental abductions;
- establish a joint federal/provincial/territorial cost-sharing fund for expenses related to travel and legal services to assist parents in need whose children have been abducted from Canada; and
- organize an annual conference in Canada with international key players to share information and search for solutions to international child abductions.

570. Eleven of the 14 recommendations were endorsed, with some qualification, by the Government of Canada. As well, guidelines to assist in the uniform application of the *Criminal Code* provisions are currently being revised by a federal/provincial/territorial working group of officials.

571. International child abductions were discussed in further detail in Theme V, Article 11 of this report.

D. Children in Minorities and Indigenous Children – Article 30

Aboriginal Children

572. Subsection 91(24) of the *Constitution Act 1867* stipulates that the subject matter of "Indians, and Lands reserved for Indians" falls within the exclusive jurisdiction of the Parliament

of Canada. Thus, the federal government is responsible for providing many services, such as health care and education, for Aboriginal people that would otherwise be within the jurisdiction of the provinces.

573. Section 35 of the *Constitution Act 1982* stipulates that "the existing Aboriginal and treaty rights of the Aboriginal peoples of Canada are hereby recognized and affirmed." Under the Act, the term "Aboriginal peoples of Canada" includes the Indian, Inuit and Métis peoples of Canada.

574. The statistics that follow demonstrate that overall, Aboriginal people in Canada fare less well than other Canadians, and the Government of Canada recognizes that, for some Aboriginal people, the situation is dire. The Government has been working with the First Nations on strong efforts to improve the lives of Aboriginal peoples in Canada, including children. Since *Canada's First Report on the Convention on the Rights of the Child*, the Government has made several major policy pronouncements on Aboriginal issues. Some of the major pronouncements are described below.

575. In August 1995, the Government of Canada released its *Inherent Right Policy* on Aboriginal self-government. The policy is based on the view that Aboriginal people have a right to govern themselves in relation to matters internal to their communities, integral to their unique cultures, identities, traditions, languages and institutions, and with respect to their special relationship to their lands and resources. Negotiations are taking place with over half of the First Nations and Inuit communities, and encompass such matters as governance, the administration of justice, the preservation and promotion of Aboriginal languages and cultures and the provision of educational, health and social services and child welfare.

576. In January 1998, the federal government also unveiled *Gathering Strength: Canada's Aboriginal Action Plan*, in response to the report by the Royal Commission on Aboriginal Peoples (RCAP). The objectives of the plan are to:

- renew the partnerships between Aboriginal people, organizations and governments;
- strengthen Aboriginal governance;
- develop a new fiscal relationship; and
- support strong communities, people and economies.

577. The Action Plan calls for a Statement of Reconciliation by Canada, formally acknowledging and regretting historic injustices; community healing to address the effects of physical and sexual abuse in the residential schools system; an Aboriginal languages program; an on-reserve Aboriginal Head Start program; resources to increase the number of adequate houses on reserves; and additional resources to improve water and sewer facilities on reserves.

578. The *Inherent Right Policy* and *Canada's Aboriginal Action Plan* are broad-based initiatives aimed at improving the lives of Aboriginal peoples. Specific programs and other initiatives directed toward Aboriginal peoples are described throughout this report, in relation to the specific Article of the *Convention on the Rights of the Child* that they support.

579. Federal spending on Aboriginal programs totaled approximately $6.0 billion in 1997-98 and involved 13 departments.

580. Aboriginal programs represented 5.7 percent of total federal program spending in the fiscal year.

581. The Department of Canadian Heritage is exploring methods to help Aboriginal peoples establish a network of urban Aboriginal youth centres to improve the situation facing Aboriginal youth in educational attainment, labour force activity, health practices and suicide prevention.

International

582. The Canadian International Development Agency is committed to promoting the rights of minority children including indigenous children. An example of CIDA programming targeting ethnic minorities is the Yunnan Maternal and Child Health Project. This project aims to improve the health and welfare of pregnant women and infants in poor ethnic minority populations of Yunnan province in China by training doctors and midwives.

Language

583. The constitutional and statutory guarantees outlined in the First Report remain.

584. Part VII of the *Official Languages Act*, dealing with the advancement of English and French within Canadian society, includes measures to promote and encourage federal-provincial-territorial cooperation in this area, notably with respect to minority language and second language education.

585. In August 1994, the Government of Canada approved the establishment of a framework to implement Part VII of the Act. In order to comply with this framework, 28 federal government institutions must now adopt annual action plans and announce the various measures they will develop to realize the federal government's commitment under Part VII of this statute.

586. In March 1998, the federal government announced the renewal of federal-provincial agreements on official languages, for a further 5 years.

Religion

587. The constitutional guarantees outlined in the First Report remain.

588. The application of the constitutional right of minority language education under s. 23 of the *Canadian Charter of Rights and Freedoms* is a provincial responsibility, as education falls primarily within the provincial domain. Several provinces have adopted or modified their education laws to comply with this Charter provision and with judicial decisions. However, certain minority language communities view these provincial measures as being insufficient and

have turned to the courts to determine more precisely the extent of their rights and the provincial/territorial obligations.

Jurisprudence

589. In the past few years, several provinces have made major modifications to their educational system to take into account economic, social and demographic changes. These changes have caused several minority language groups to consider whether the changes contravene their constitutional rights. For example, in the case *Hogan v. Newfoundland,* [1998] N.J. no. 210, the appellants argued that modifications away from a denominationally-based school system are unconstitutional. In the case *Larouche v. Quebec,* [1997] A.Q. no 3804,the appellants argued that changes to permit a school system based upon language, rather than religion, is unconstitutional.

590. In *Adler v. Ontario,* ([1996] 3 S.C.R. 609) the appellants sought a declaration that the existing scheme of funding Catholic schools in Ontario, but not other religions, was unconstitutional. The Court held that section 93(1) of the *Constitution Act 1867* is the product of a historical compromise crucial to Confederation and forms a comprehensive code with respect to denominational schools rights, such as s. 23 of the *Canadian Charter of Rights and Freedoms* with respect to minority language education rights as outlined in the decision *Mahé v. Alberta,* [1990] 1 S.C.R. 342. As a result, s. 2 (*a*) and s. 15 of the Charter cannot be used to enlarge this comprehensive code.

591. The Supreme Court of Canada granted leave to appeal in the case *Arsenault-Cameron v. Prince Edward Island* ([1997] P.E.I.J. no. 7). The parents had obtained a declaration from the Supreme Court of Prince Edward Island that the provincial government had an obligation under s. 23 of the Charter to provide French-language education in facilities located in the Summerside area. The Court of Appeal overturned this decision, ruling that French-language education was properly provided in an existing French first-language school located in another community and that the provision of bus transportation to that school was an acceptable accommodation, taking into account the needs of the children.

PART II: MEASURES ADOPTED BY THE GOVERNMENTS OF THE PROVINCES [*]

BRITISH COLUMBIA

Introduction

592. This report covers the period from July 14, 1993 to December 1997, a period during which British Columbia introduced a wide range of legislation, policies, programs, and practices that support the goals of the UN *Convention on the Rights of the Child*. The report contains summaries of initiatives. The information provided here is supplementary to that provided in previous reports, so changes made prior to July 14, 1993 are not outlined in this document. Additional resource material is attached to this report to provide details on many of the provincial initiatives that are described herein.

I. General Measures of Implementation

593. The reporting period has been a time of significant legislative change in British Columbia. Many of these changes advanced the rights and protection of children and youth. The following legislative changes made during the period support the goals of the UN *Convention on the Rights of the Child*.

Child, Family and Community Service Act

594. The *Child, Family and Community Service Act* (see Appendix A) was proclaimed on January 29, 1996. The Act identifies the safety and well- being of children as being paramount. The Act is child-centred legislation, that mandates that families and children be informed about and encouraged to participate in all decisions that directly affect them. The Act recognizes the role of the community in the protection and support of children and families and in particular recognizes the role of aboriginal communities in the protection of Aboriginal children. In addition, it addresses the need for timeliness in making decisions about children.

Children's Commission Act

595. Another significant development in British Columbia's legislative approach to children was the proclamation of the *Children's Commission Act* (see Appendix B) and the creation of the Children's Commission in September 1996. The purpose of the commission is to ensure that key aspects of the child-serving systems of government are monitored and that the quality of its work is assessed and reported on publicly. The commission is responsible for reviewing all child

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[*] In geographical order, from west to east.

deaths in the province, investigating those that warrant close attention and making systemic and specific recommendations as required.

Child, Youth and Family Advocacy Act

596. In addition to a Children's Commission, there is now a Child, Youth and Family Advocate established through the *Child, Youth and Family Advocacy Act* (see Appendix C). The advocate's role is to help children, youth and their families who are involved with the Ministry of Children and Families to ensure that they receive the services they are entitled to and to ensure that proper processes are followed in the delivery of those services.

BC Benefits Acts

597. In 1996, the B.C. government passed four BC Benefits Acts: the *BC Benefits (Income Assistance) Act*, *BC Benefits (Youth Works) Act*, *BC Benefits (Child Care) Act* and *BC Benefits (Appeals) Act* (see Appendix D). These Acts enabled the introduction of the BC Benefits and Healthy Kids programs. These programs sought to reduce the impact of child poverty by providing income security and basic dental and vision care benefits to children who live in low-income families.

Infants Act (amendments)

598. Important changes were made in 1996 to the *Infants Act* (see Appendix E), giving children the right to consent to health care without the necessity of obtaining their parents' or guardians' consent, provided the child has the capacity to consent to such health care. The Act also provides for involvement by the Public Trustee and, in some cases, the courts to ensure that the rights of children are protected when they are involved in property issues, contracts, leases and litigation.

II. Definition of the Child

599. British Columbia's age of attainment of majority and legal minimum ages for various purposes are as follows:

a) legal or medical counselling without parental consent—age depends on capacity;
b) end of compulsory education – 16;
c) part-time employment – 15;
d) full-time employment – 15;
e) hazardous employment – 15;
f) sexual consent (with other minors) – 14;
g) marriage – 16;
h) voluntarily giving testimony in court—subject to ability;
i) criminal liability – 12;
j) civil liability—subject to capacity;
k) deprivation of liberty (youth detention centres) – 12;

l) imprisonment (as a rule) – 18;
m) imprisonment (exceptionally, for very serious offences) – 14;
n) consumption of alcohol – 19;
o) eligibility to vote in provincial and municipal elections – 18.

III. General Principles

Non-Discrimination (Article 2)

600. The British Columbia *Human Rights Code* (see Appendix F) is the main legal tool that is available to all citizens of the province, including children and youth, for dealing with issues of alleged discrimination. The Code prohibits discrimination on the basis of race, colour, ancestry, place of origin, religion, marital status, family status, physical or mental disability, sex, sexual orientation or age. Protection against age discrimination is provided to those between 19 and 65. With the exception of age discrimination, the Code provides children with the same protection that it provides to adults.

601. The *Multiculturalism Act*, which B.C. passed in 1993 (see Appendix G), recognized British Columbia's diversity with regard to race, cultural heritage, religion, ethnicity, ancestry and place of origin, and is consistent with the *Human Rights Code.* Diversity is viewed as a fundamental characteristic of the province that enriches the lives of all British Columbians.

602. In the area of income assistance, labour market training and related social programs, B.C. Benefits policy requires that staff administering these programs are to treat applicants and recipients in a manner that is free from any consideration of race, gender, colour, creed, or political affiliation. Furthermore, to assist families who have a limited comprehension of English, the B.C. Benefits application form is available in French, Chinese, Vietnamese, Russian, Czechoslovakian, Spanish, Punjabi, Hindi and Tagalog. In addition, various pamphlets regarding these programs are available in most of these languages.

603. In keeping with the convention guidelines concerning minority indigenous groups, the *Child, Family, and Community Service Act* seeks to preserve the cultural identity of aboriginal children.

Best Interest of the Child (Article 3)

604. The *Child, Family and Community Service Act* requires that the best interests of the child must be considered in the administration and interpretation of the Act. Determining the child's best interests includes factors such as:

1. the child's safety;
2. the child's physical and emotional needs and level of development;
3. the importance of continuity in the child's care;
4. the quality of the relationship the child has with a parent or other person and the effect of maintaining that relationship;

5. the child's cultural, racial, linguistic and religious heritage;
6. the child's views;
7. the effect on the child if there is a delay in making a decision.

605. According to the *Child, Family and Community Service Act*, if the child is an aboriginal child, the importance of preserving the child's cultural identity must be considered in determining the child's best interests. When placing an aboriginal child anywhere outside that child's immediate family home, priority must be given to placing that child with the child's extended family, within the child's aboriginal cultural community, or with another aboriginal family.

606. The importance of the best interests of the child is explicitly stated in the *Children's Commission Act* as a guiding principle of that office.

607. Similarly, a new *Adoption Act* (see Appendix H) came into force in November 1996, giving paramount consideration to the child's best interests. Whenever possible, every effort must be made to place children with families of the same ethnic heritage.

The Right to Life, Survival and Development (Article 6)

608. Under the *Child, Family and Community Service Act*, a director designated by the Minister for Children and Families, may make a written agreement with a parent to provide, or to assist the parent to purchase, services to support and assist a family to care for a child. Under the Act, a child may be found in need of protection and taken into care if, for example:

- the child has been, or is likely to be, physically harmed because of neglect by the child's parent;
- the child is deprived of necessary health care;
- the child's development is likely to be seriously impaired by a treatable condition and the child's parent refuses to provide or consent to treatment; or
- the child is or has been absent from home in circumstances that endanger the child's safety or well-being.

609. The Children's Commission is responsible for investigating all cases of child deaths in the province and through this process provides recommendations in many areas, including measures to ensure that the rights of children to life, survival and development are protected.

Respect for the Views of the Child (Article 12)

610. A guiding principle of the *Child, Family and Community Service Act* is that the child's view should be taken into account when decisions are made about the child and when determining the child's best interest. The Act defines the rights of children in care including the right to be consulted and to express their views about significant decisions that affect them.

611. The Children's Commission, Tribunal Division, has the power to review complaints from people who feel they have been treated unfairly by the Ministry for Children and Families, once the ministry's internal complaints process has been exhausted.

IV. Civil Rights and Freedoms

Name and Nationality (Article 7)

612. With respect to name, children are registered at birth with British Columbia's Vital Statistics Agency. Change of name resulting from adoption, marriage or application is covered by the *Name Act* (see Appendix I), and requires registration with the Director of Vital Statistics.

Preservation of Identity (Article 8)

613. The *Child, Family and Community Service Act* requires that kinship ties and a child's attachment to the extended family be preserved if possible and that cultural identity of aboriginal children be preserved. The *Adoption Act* also embraces these principles.

614. Social and medical information is preserved and kept available for the child's future access. To ensure that children are not disconnected from their cultural identity, or permanently disconnected from their biological families or heritage, the Act provides for openness agreements, which involve ongoing contact between birth and adoptive families.

Freedom of Thought, Conscience and Religion (Article 14)

615. The BC *Human Rights Code* protects all British Columbia residents, including children and youth, from discrimination on the basis of religion.

Protection of Privacy (Article 16)

616. The *Freedom of Information and Protection of Privacy Act* (see Appendix J) is intended to make public bodies more accountable to the public and to protect personal privacy. The Act applies to the collection, protection and retention of personal information about children who are in contact with government.

617. The *Child, Family and Community Service Act* is exempt from the provisions of the *Freedom of Information and Protection of Privacy Act*, but includes its own provisions covering privacy and access to information. Under section 70 of the Act, children in care have the right to "reasonable privacy and to possession of their personal belongings." Children in care are also entitled to privacy in discussions with family members, lawyers, the Ombudsman and the Child Advocate.

Access to Appropriate Information (Article 17)

618. Regulation of telecommunications is a federal responsibility, however the province has a film classification system that provides appropriate warnings about the content of films and restricts the access of children and youth to mature content where that is appropriate.

619. Government also makes use of the mass media to provide information and material of social and cultural benefit to children. Examples include:

- *Connections Mentor Program* which encourages young women to explore their options for the future;
- *Money Smarts*, which is an informational package to empower young women to establish a secure financial foundation;
- public awareness campaigns about drugs, alcohol, and tobacco;
- Multiculturalism and Immigration BC conducted seminars on cultural diversity in the Department of Journalism at Langara College, in order to encourage mass media to focus attention on the needs of indigenous or minority children.

The Right Not to be Subjected to Torture or Other Cruel, Inhuman, or Degrading Treatment or Punishment (Article 37 (*a*))

620. The *Child, Family and Community Service Act* defines child abuse and specifies circumstances under which the director investigates the possibility of child abuse. These are outlined in section 13(1)(2) of the Act, which is included as Appendix A.

621. In secure custody facilities, it is sometimes necessary to place a young offender under some form of physical restraint. Such restraints are routinely used to ensure safe escorts of high security residents outside secure areas of the institution and in the community. They may also be used in certain situations for purposes of internal security. However, this measure is subject to strict regulation and control. Physical restraints are not used on residents held in open custody.

622. Complaints can be directed to the Quality Assurance Manager in each Ministry for Children and Families region. If these are not resolved satisfactorily, they can then be taken to the Children's Commission or the Investigation, Inspection and Standards Office, an independent office established under the *Correction Act* (see Appendix K), that has the authority to receive and investigate complaints from a young person held in a youth containment centre. Complaints that remain unresolved can be taken to the provincial Ombudsman.

623. Children and youth receiving care in government-licensed facilities also have recourse to the medical health officer. The officer must investigate any complaints.

V. Family Environment and Alternative Care

Parental Guidance (Article 5)

624. The *Child, Family and Community Service Act* recognizes the rights and responsibilities of parents in guiding their children but does not place parental rights ahead of the protection of the child.

Parental Responsibilities (Article 18, paragraphs 1-2)

625. The *Child, Family and Community Service Act* states that, "a family is the preferred environment for the care and upbringing of children and the responsibility for the protection of children rests primarily with the parents."

626. Under the *Family Relations Act* (see Appendix L), parents have an obligation to support their children up to the age of 19.

Separation From Parents (Article 9)

627. Under the *Child, Family and Community Service Act*, removal of a child from his or her parent(s) for longer than seven days requires a court hearing to justify continued care of the child by the Ministry for Children and Families. The parents are informed when a child is taken into care, are given notice of the protection hearing and are made a party to the proceedings. Even after a child is placed in care, parents can maintain access to the child unless in the opinion of a director appointed by the Minister for Children and Families, it is not in the child's best interests.

628. Adoption is often a positive alternative for children permanently separated from their parents.

Illicit Transfer and Non-Return (Article 11)

629. The Royal Canadian Mounted Police (RCMP), in its role as the provincial police force, cooperates with the RCMP Missing Children's Registry, which is established in Ottawa, Ontario. Provincial and municipal authorities participate in the enforcement of criminal laws that protect children from being abducted or trafficked across national borders. The province continues to monitor allegations of child abduction throughout the province, in order to combat the illicit transfer and non-return of children abroad.

630. The B.C. government has worked with other Canadian provinces to develop national parental child abduction charging guidelines to assist in the enforcement of criminal sanctions relating to parental abduction of children.

Recovery of Maintenance for the Child (Article 27, paragraph 4)

631. The *Family Relations Act* creates an obligation for parents to support their children. The *Act* provides for child support to be included in an agreement or a court order and outlines measures for enforcement of maintenance orders. The *Family Maintenance Enforcement Act* (see Appendix M) authorizes the Director of Maintenance Enforcement to enforce court-ordered maintenance and filed maintenance agreements.

632. Recipients of income assistance who are eligible for maintenance must assign their maintenance rights to government, which then acts on the client's behalf to obtain, vary, defend or enforce maintenance orders for children.

Children Deprived of their Family Environment (Article 20)

633. The Director of Children and Families becomes the sole guardian of orphaned children and may consent to the adoption of the child. Children in state care must be placed in a manner that respects their cultural identity and heritage. In placing an aboriginal child, the director must consider relatives or an extended family in an Aboriginal community.

634. British Columbia's standards for foster homes encourage foster parents to provide opportunities for children in care to participate in appropriate leisure activities according to their abilities and interests in order to promote the child's development and socialization.

635. The Public Trustee becomes the sole guardian of the estate of an orphaned child, including responsibility for managing the child's property and for protecting the child's legal interests.

Adoption (Article 21)

636. Adoption services are carried out under the legislative authority of the *Adoption Act.* A new *Adoption* Act came into force in November 1996.

637. Before birth parents consent to the adoption of their child, the Act requires that alternatives to adoption be discussed with the parents. The Post-Adoption Assistance program provides financial support either to meet the child's basic needs or to purchase services in response to the child's special needs. The *Adoption Act* also requires preservation of all social and medical information that is available at the time of the child's placement, to enable their future access.

638. To further ensure that children are not disconnected from their cultural identity or permanently disconnected from their biological families or heritage, the *Adoption Act* provides for openness agreements (ongoing contact between birth and adoptive families), access to records, disclosure of information and assistance with reunification.

639. In April 1997, the *Convention on the Protection of Children and Cooperation in Respect of Inter-country Adoption* (Hague Convention) came into force in British Columbia. Section 51 of B.C.'s *Adoption Act* gives the Hague Convention the force of law in B.C. While the terms of the Hague Convention can only be imposed on adoptions involving countries that are signatories to the convention, B.C.'s Act has many more safeguards than existed in previous legislation.

Periodic Review of Placement (Article 25)

640. The *Child, Family and Community Service Act* contains strict time limits on temporary care orders so that a child must be returned to a parent or to a court for a renewed order relatively quickly. In addition, under the Act, a tribunal of the Children's Commission can review the status of children in continuing custody and can enforce the rights of children in care that are defined in the Act.

Abuse and Neglect (Article 19), Including Physical and Psychological Recovery and Social Reintegration (Article 39)

641. The *Child, Family and Community Service Act* is British Columbia's primary child protection legislation. The Act makes child safety a paramount principle and outlines detailed criteria for when children need protection. The Act also gives children in care the right to be free from corporal punishment.

642. Many initiatives support the B.C. government's commitment to prevent child abuse and neglect:

- a program called *A Safer Future for B.C. Women* was established in 1996 to provide funding for violence prevention projects;
- funding has been provided to transition houses, second stage houses and safe homes for women and their children who have left abusive relationships;
- government managed several *Children Who Witness Abuse* programs;
- in 1997, the B.C. government set conditions for the employment of children in the entertainment and film industry, including hours of work, education, workplace safety and protection of income.

VI. Basic Health and Welfare

Disabled Children (Article 23)

643. The *Child, Family and Community Service Act* allows for flexible special needs agreements between the Ministry for Children and Families and the parents of a child with a disability. Under this agreement, parents do not need to give up guardianship rights in order to get special care for their child.

644. A monitoring and self-assessment tool has been developed to assist child development centres providing services to children and youth with disabilities to periodically evaluate specific aspects of their programs. A systematic and thorough external review process also exists.

645. Disabled children who are 18 years of age (the age of majority in B.C. is 19 years) have the right to apply for and receive the disability designation under the *Disability Benefits Program Act* (see Appendix N). Under the *BC Benefits (Child Care) Act*, younger disabled children also receive support for attending child care centres providing specialized services and care, services to families caring for a disabled child in their own home, ancillary health benefits, and transportation costs.

646. A computer-based information system, the Developmental and Rehabilitation Information System (DRIS), was created to help guide evidence-based practices in the field of early intervention for children with disabilities and their families. The system documents service needs, services delivered and service program outcomes.

647. A 1995 Ministerial Order stated that parents of special needs students must be consulted in their child's educational program placement unless the student's needs indicate otherwise. The emphasis is on inclusion and integration.

648. The province funds approximately 50 programs referred to as Provincial Resource Programs for students whose unique educational needs or circumstances are such that they cannot simply enrol in their home community schools. In each case, individual school boards "host" and manage these programs on behalf of the province.

649. The province also continues to play a role in providing services such as a provincial lending library of learning resources in alternate formats and requisite technologies to support students' access to classrooms and curricula, to school boards on behalf of students who are visually impaired.

Health and Health Services (Article 24)

650. Introduced in 1996 and expanded in 1997, the Healthy Kids program provides basic dental and vision care benefits for all children in low-income working families.

651. The *Child, Family and Community Service Act* assures children in care that they have the right "to receive medical and dental care when required."

652. The Pregnancy Outreach Program provides food supplements, vitamin/mineral supplements, individual counselling, group sessions and agency referrals for women. The Nobody's Perfect Parenting Program, a joint federal-provincial project, provides parenting skills to young, single, low-income parents who may be isolated and lack formal education and nurturing skills.

653. Multiculturalism BC has worked with health care institutions to promote the delivery of responsive services to a culturally diverse community, including families and children. The Multicultural Change in Health Services Delivery Project, a two-year project that ran from 1995 to 1996, was undertaken to improve the ability of participating health care agencies to better respond to the health needs of British Columbia's diverse communities.

654. The BC Immigrant Settlement Program allows settlement workers to collaborate with health care professionals and family workers to provide guidance to immigrant and refugee parents in child health and nutrition, preventive health care and parenting skills.

Social Security and Child Care Services and Facilities (Article 26 and Article 18, paragraph 3)

655. British Columbia's BC Benefits legislation provides income assistance, health and other benefits to families with children to assist them in maintaining an adequate standard of living.

656. The province's child care subsidy program assists low and modest income families to return to school or enter the labour market by offsetting the costs of child care. Eligibility is based on monthly family income, number of dependent children and social needs.

Standard of Living (Article 27, paragraphs 1–3)

657. BC Benefits legislation provides income assistance, health and other benefits to families with children to assist them in maintaining an adequate standard of living. B.C.'s income assistance rates for support and shelter allowance increase based on the size of the family.

658. In July 1996, the BC Family Bonus was introduced to provide an income-tested benefit to children in low-income families. It replaced needs-tested welfare payments that were provided under previous legislation. The BC Family Bonus program was the model for the development of the federal National Child Benefit Supplement, which was launched shortly after the end of the reporting period.

VII. Education, Leisure and Cultural Activities

Educational, Including Vocational Training and Guidance (Article 28)

659. The *School Act* states that a person who is of school age, and who is resident in a school district is entitled to enrol in an educational program provided by the board of that district.

660. Several provincial stay-in-school initiatives are part of the *Safe Schools Initiatives* and are geared to dealing with the issues of keeping kids in school, bullying behaviour and harassment in school communities. To ensure that school discipline is administered in a manner consistent with each child's human dignity, a manual entitled *Safe School Communities: An Information and Policy Guide for the Prevention of Violence* was published in 1994.

661. The province funds 50 Provincial Resource Programs, including nine Centres for Special Education Technology. Students with very special learning needs may be placed in programs that range from minor adaptations to those with extensive modifications.

662. The B.C. Immigrant Settlement Program makes educational information and guidance available to immigrant and refugee children and youth through the support of family and youth counselling programs and youth outreach projects aimed at helping students deal with the challenges of a new school system.

Aims of Education

663. In 1995, the B.C. Ombudsman released a Fair Schools report (see Appendix O), intended to promote children's dignity and respect, participation of students in a democratic institution, learning through appropriate questioning of authority and full participation in their school community.

664. The *Special Education Policy Framework for British Columbia*, June 1995, states:

> The primary goal for the British Columbia school system is to support the intellectual development of students, with the support of families and the community. Enabling students to achieve the goals of human and social development and career development is the responsibility shared by schools, families and the community. These goals apply to all students, including students with special needs.

Leisure, Recreation and Cultural Activities (Article 31)

665. British Columbia is well served by a wide variety of leisure, recreation and cultural opportunities. Considerable effort has been made to make sure these opportunities are available to all B.C. children. For example, the province's Standards for Foster Homes encourage foster parents to provide opportunities for children in care to participate in appropriate leisure activities according to their abilities and interests in order to promote the child's development and socialization.

VIII. Special Protection Measures

Refugee Children (Article 22)

666. The B.C. Immigrant Settlement Program works through government-funded non-profit settlement agencies to assist refugee and refugee claimant children with the immigration process. Services range from information and referrals, crisis intervention and post-traumatic stress counselling to employment assistance, material assistance, advocacy and reuniting children with their families.

The Administration of Juvenile Justice (Article 40)

667. British Columbia continues to refine prosecutorial policies to take into account the special needs of young people. This includes policies regarding alternative measures, screening procedures and transfers to adult court.

668. Alternative measures include measures designed to:

- keep young offenders, especially first time offenders and charges of a minor nature, out of the judicial system whenever possible and divert them into programs designed to give quick, constructive consequences;
- deal with young offenders' needs in ways that the judicial system cannot;
- reintegrate young offenders into their communities;
- recognize the different policy considerations involved in dealing with young offenders as opposed to adult offenders.

669. Measures have also been taken to support young people who have been in trouble with the law to move into more constructive roles. For example, the Vietnamese Integration Project—New Direction Centre (1993-1995) provided therapeutic support, literacy, language skills, education and vocational training to enable Vietnamese male gang members between 15 and 19 years of age to reintegrate into society.

The Sentencing of Children, With Particular Reference to the Prohibition of Capital Punishment and Life Imprisonment (Article 37 (*a*))

670. Canada's federal government sets penalties for youth who are convicted of crimes. There is no capital punishment in Canada.

671. British Columbia continues to press the federal government to ensure that young offenders are subject to penalties that reflect both the gravity of the offence and the special needs of the young person.

Children Deprived of Their Liberty, Including Any Form of Detention, Imprisonment or Placement in Custodial Settings (Article 37 (*b*)-(*d*))

672. During the reporting period, responsibility for youth correctional services was shifted from the Ministry of Attorney General to the Ministry for Children and Families.

673. Youth Correctional Program Regulations guarantee the right of young people who are in custody to maintain contact with family members.

674. The government, in collaboration with school districts, provides young offenders with education through provincial resources programs. Distance education programs are also available.

675. Despite Canada's reservation on Article 37 (*c*), the convention has been cited in both the civil and criminal courts of British Columbia, and changes have been made to ensure reasonable treatment of alleged young offenders, including the establishment of separate holding facilities for youth at the new Vancouver police station.

676. In June 1994, British Columbia's Ombudsman released a report entitled *Building Respect: A Review of Youth Custody Centres in British Columbia* (see Appendix P). This report made recommendations consistent with the convention to address the importance of providing safe and appropriate services to youth who are confined to custody centres.

Physical and Psychological Recovery and Social Reintegration of the Child (Article 39)

677. The BC Immigrant Settlement Program supports a project that facilitates the therapeutic recovery of refugees and immigrants, including children, who have survived torture.

Children in situations of exploitation, including physical and Psychological recovery and social reintegration

Economic Exploitation of Children, Including Child Labour (Article 32)

678. Child labour is prohibited in British Columbia except under the special authority of a permit issued by the Director of Employment Standards. In 1997, the province set conditions for the employment of children under the age of 15 who work in the film, television and radio commercial industries. These conditions cover hours of work, education, workplace safety and protection of income.

679. In 1997/98, the B.C. government developed and distributed Money Smarts, an information package to empower young women to establish a secure financial foundation and take charge of their economic security.

Drug Abuse (Article 33)

680. The B.C. government provides alcohol and drug services for youth, ranging from prevention through early intervention and treatment. These services include:

- prevention and outpatient services;
- youth-specific counselling programs in most parts of the province;
- supportive recovery beds for youth in Vancouver and Victoria;
- residential treatment for alcohol and drug-involved youth.

681. British Columbia's public education system includes programming designed to protect children from the illicit use of drugs. Personal planning programs include a section on substance abuse prevention and there are provincial resource programs for drug addiction education.

682. In addition, health promotion initiatives such as the "Kidzone" television program focus on substance misuse prevention and resiliency skill development for children and youth. A similar focus is found in the work of the Provincial Interministry Committee on Youth Crime and Violence.

Sexual Exploitation and Sexual Abuse (Article 34)

683. The *Child, Family and Community Service Act* protects children from sexual exploitation and abuse by including those concepts within its definition of situations that are grounds for 'needing protection.'

684. The Province established a Provincial Prostitution Unit and Assistant Deputy Ministers' Committee on Prostitution in 1996. The Provincial Prostitution Unit assists in developing strategies to prevent the sexual exploitation and abuse of children and to prosecute those who do so.

685. The B.C. government has funded an employment training/exiting program for prostitutes and has been working with the federal government to encourage stronger federal legislation and policies relating to sexual exploitation and abuse of children.

Sale, Trafficking and Abduction (Article 35)

686. A full-time social worker was added to the Provincial Prostitution Unit in 1997 to assist with law enforcement efforts against pimps and johns, as well as to provide services and guidance to line social workers dealing with exploited youth. The government also worked with service providers and stakeholders to begin developing an integrated policy position for exploited youth, including witness relocation and safe-housing policy.

Other Forms of Exploitation (Article 36)

687. The *Child, Family and Community Service Act* established that the safety and well-being of children is the paramount concern in all decisions involving them. The Act contains detailed guidelines describing what constitutes a child's best interests.

688. The Ministry for Children and Families introduced a B.C. Risk Assessment Model to enable professional staff involved in child protection work to assess child protection concerns. The publication *Practice Standards for Child Protection* brings together in one document the standards, policy and procedures that direct child protection in B.C.

Children Belonging to a Minority or an Indigenous Group (Article 30)

689. The *Child, Family and Community Service Act* states that the cultural identity of aboriginal children should be preserved. The Act's service delivery principles state that aboriginal people should be involved in the planning and delivery of services to aboriginal

families and their children, and that services should be sensitive to the cultural, racial and religious heritage of those receiving them.

690. The Ministry for Children and Families introduced a *Strategic Plan for Aboriginal Services* to strengthen the ability of aboriginal communities to deliver child and family-related services to their own children and families and to strengthen the province's ability to deliver culturally appropriate services.

691. In 1993, the B.C. government passed the *Multiculturalism Act of BC*. In support of provincial multiculturalism policy, government ministries responsible for child welfare and protection have undertaken substantial initiatives in providing personnel with training and resources to better serve the diversity of youth and families in the province.

692. In order to encourage the mass media to focus attention on the needs of children who belong to minority groups, the B.C. Anti-Racism and Multiculturalism Program supports community organizations and groups to work with the media to address stereotypes and promote positive messaging.

693. During 1995-1996, the B.C. government held an anti-racism video contest for youth. The winner, "Don't be blinded by colours," was released as a television public service announcement, adapted into a transit bus campaign and further developed into posters and bookmarks distributed to secondary schools across British Columbia.

ALBERTA

694. In the first report submitted in June 1994, it is noted that Alberta did not formally support Canada's ratification of the United Nations *Convention on the Rights of the Child*. Alberta's position on the Convention remains unchanged in 1998. It is confident, however, that its policy, programs and legislation meet and, in many instances, exceed the Convention's expectations.

695. Alberta's focus on the three areas of people, preservation and prosperity in its annual business planning ensures that continual improvements are made to benefit children and their families.

696. This second report builds on the information contained in the June 1994 report and highlights major initiatives that have been undertaken in Alberta during the reporting period from January 1, 1993 to December 31, 1997. As Alberta does not officially endorse the Convention, the federal government prepared this report with input from Alberta government officials.

I. General Measures of Implementation

697. In the first report in 1994 on Alberta, it was noted that a Commissioner for Children and Families had been appointed to review the structure of children's services.

698. The government subsequently announced in 1994 a new direction for children's services in Alberta that would involve redesigning services based on a regional model. This new direction was based on the Commissioner's extensive consultations with communities and their expressed desire to design and plan their own services in ways that are more responsive and appropriate to the needs of local children.

699. Seventeen child and family regions were initially designated across the province, and community steering committees and working groups established to develop local service plans. These regions were co-terminus with the 17 regional health authorities (RHAs) across the province to enhance planning for children and families (See the section on "Health and health services" for information on RHAs).

700. Another child and family region was added in 1997 to provide coverage for Metis settlements, bringing the total number of regions to 18.

701. The local service plans are to cover the full range of services to children and focus on 4 key principles: community-based service delivery, early intervention, improved aboriginal services and better integration between local services. All regions are expected to submit their final service plans for approval by April 1998.

702. Enabling legislation was passed in 1996 that allows for the establishment of Child and Family Services Authorities (CFSAs). The CFSAs will oversee the future planning and delivery of services, and develop business plans to implement the regional service plans. The first CFSA is expected to be operational by the summer of 1998.

703. To support the major redesign initiative, in 1995, the Alberta government established a funding program for community organizations undertaking early intervention programming. The Early Intervention Program provides funding for community-based and culturally sensitive services that help local children and families before a crisis occurs. Fifty million dollars were initially allocated to this program and, by 1997, 260 programs across Alberta had received $27 million in funding. Total expenditures are expected to reach $53.4 million by 1998/99.

704. Early intervention programs are addressing a broad range of issues such as anti-social behaviour, teen pregnancy, school attendance and performance, family violence, addictions and substance abuse, literacy and parenting and life skills. They also are focusing on special needs areas such as aboriginal, low income, immigrant and disabled children.

705. Overall, the redesign of services for children and families is proceeding with confidence on a priority basis. A recent review conducted by external consultants confirms the direction chosen for this redesign initiative is the right one for Alberta. The government will be ensuring high quality services by implementing a monitoring and evaluation program, and an accountability framework that includes standards for child and family services.

706. The Government's commitment to the major redesign initiative and, generally, to providing early intervention programming and quality child welfare services is reflected in its

annual funding increases. Alberta Family and Social Services, the lead department in these areas anticipates its spending will reach approximately $362 million by 1998/99.

707. Another important program that focuses on prevention is the Family and Community Support Services (FCSS) program. It is a cost shared program (province 80 percent and municipalities 20 percent) that distributes grants for the purchase or provision of preventive social services. Since the establishment of FCSS in 1981, children have been the beneficiaries of many FCSS-funded services in communities across the province. In 1996/97, FCSS under went a review to ensure that it continues to meet the needs of communities in an efficient and effective manner.

III. General Principles

A. Non-discrimination (Article 2)

708. A major goal of Alberta's Department of Community Development is to reduce discrimination and foster equality so all Albertans, including children, can have the opportunity to participate fully in the social, economic and cultural life of the province. Performance measures with targets have been developed to annually monitor the progress in achieving this goal. While these measures continue to show positive results, the Government recognizes that more work needs to be done.

709. Between 1993 and 1994, public reviews were conducted on Alberta's human rights legislation and multiculturalism programs. Following from these reviews, in 1996, the new *Alberta Human Rights, Citizenship and Multiculturalism Act* was proclaimed to strengthen human rights legislation in Alberta and to provide new and expanded grounds for protection. The new grounds include family status and source of income. Expanded protection has been afforded under the grounds of marital status and religious belief. Religious belief is now recognized to include native spirituality.

710. The Act states "as a fundamental principle and as a matter of public policy, all persons are equal in: dignity, rights and responsibilities without regard to race, religious beliefs, colour, gender, physical disability, mental disability, age, ancestry, place of origin, marital status, source of income or family status."

711. The Act also provides for the establishment of the Human Rights, Citizenship and Multiculturalism Education Fund. The Fund provides resources for individual, organizational and community initiatives that will:

- help to eliminate discrimination and racism,
- increase understanding and acceptance of diversity, and
- educate Albertans about their rights and responsibilities under Alberta's human rights laws.

712. Another very important way that Alberta continues to address human rights issues is through the education system. A key aim is to help all young people become responsible and caring citizens who understand and respect fundamental human rights.

713. Alberta's Department of Education has prepared a report entitled "Promotion of Human Rights in Alberta Schools," which reflects the very strong commitment and support for education about human rights. The report outlines: provincial government directions and policies that support education about human rights; programs of study, curriculum support documents, and student learning resources on these topics; and training workshops and materials that help teachers promote human rights and respect for people from diverse cultures. The programs and policies do not focus on the rights of the child but rather on the promotion of respect for all individuals.

714. A basic education, as defined in Alberta, includes the requirement that students are provided with opportunities to increase their cultural awareness. It allows students to respect cultural diversity and the common values of Canada.

B. Best interests of the child (Article 3)

715. The best interests of the child continue to be the central premise of Alberta's *Child Welfare Act*, and the main consideration in any legislative, policy or program changes impacting children. A recent example that demonstrates Alberta's continuing commitment in this area can be seen in the 1997 legislation enacted regarding child access and grandparents.

716. Following divorce or the death of a child's parent, some grandparents may find they are denied access to their grandchildren. The 1997 legislation is primarily intended to address these situations by providing grandparents legal recourse through the courts. The legislation also allows children 16 years of age and younger to apply for access to their grandparents. The primary consideration for the courts in determining access is to be the best interests of the child. The courts also will consider the nature and extent of the child's past associations with the grandparent, and the child's views and wishes, if these can reasonably be ascertained.

717. With regard to the requirements of the Convention on standards of care, Alberta continues to review and monitor all standards in place pertaining to the care or protection of children. Several new initiatives during the reporting period ensure continual improvements are being made in this area.

718. Alberta's Day Care Program sets and monitors standards for day cares, nursery schools, drop-in centres and family day homes to ensure the health, safety and well-being of preschool children.

719. All day care centres across the province are regularly inspected. The *Social Care Facilities Licensing Act* and Day Care Regulation outline a wide range of standards of care for these facilities. Those standards seen to be critical to a child's health and well being are defined

to include staff qualifications, staff/child ratios, supervision, child management and developmental needs.

720. A funding agreement with day care operators implemented in 1995/96 requires them to meet critical standards in order to receive the Operating Allowance and Child Care Subsidy paid by government. Enforcement of day care standards was further strengthened in 1996/97 with the full implementation of the Compliance Management System. This system provides licensing staff with tools to better track day care performance.

721. The Alberta government has set targets on compliance to day care standards. In 1993/94, 64 percent of day care centres were meeting critical standards. The rate of compliance for 1997/98 is 93 percent. The government's target for 1999/2000 is 100% compliance.

IV. Civil Rights and Freedoms

D. Freedom of thought, conscience and religion (Article 14)

722. The Alberta Government guarantees freedom of conscience and religion and recognizes the parents' right and responsibility to guide their children's moral and ethical development. Schools support the efforts of parents, families, churches and other community groups that are responsible for children's moral, ethical and spiritual development.

723. Alberta's *School Act* gives school boards the right to provide religious instruction and prayers. School boards also may offer religious studies courses, but these courses are not compulsory for students. Twenty percent of the content of locally developed religious studies courses offered for credit in senior high school must relate specifically to a comparative study of major world religions.

724. Also under the *School Act*, school boards have the authority to establish alternative programs that emphasize a particular language, culture or religion. These programs must be open to any student in the school system and usually are established with community support and involvement.

725. The Alberta Government provides some support to private schools including many that present a particular religious perspective in school programs and activities. Parents decide if their child will participate in an alternative program or attend a private school.

726. A provincial policy on controversial issues guides teachers in handling discussions about sensitive topics in the classroom. This policy requires schools to respect students' personal and family values. It allows students to present views that are consistent with these values. The policy also requires that schools follow parental decisions on controversial issues with respect and sensitivity.

F. Protection of privacy (Article 16)

727. In 1994, the *Freedom of Information and Protection of Privacy Act (FOIP)* was passed in Alberta. This Act formalizes the right of all Albertans to access government records, and recognizes privacy rights by regulating the collection, use and disclosure of personal information.

728. In the two and a half years following the proclamation of the *FOIP Act*, Alberta's Department of Family and Social Services received 50 percent of all requests for information. Most of the requests to the department (65 percent) were from persons wanting access to information from their child welfare or adoption files.

729. Subsequent amendments to the *FOIP Act* in 1997 extended coverage to schools, health care bodies, post-secondary institutions and local government bodies. The Act will become effective in these sectors as follows: school boards (September 1, 1998), health care bodies (October 1, 1998), post-secondary institutions (January 1, 1999) and municipalities and other local government bodies (October 1, 1999).

730. The extension of FOIP to cover schools and other local public bodies was recommended in the 1993 report of the all-party committee on Freedom of Information and Protection of Privacy. The intention to extend FOIP was announced at the time of the passage of FOIP in 1994.

731. Future plans are to conduct broad-based consultations with Albertans on legislation to better protect personal health information. The legislation is expected to address the unique and complex arrangements involved in the use and sharing of personal health information in both the private and public sectors. It is scheduled for introduction in 1999.

G. Access to appropriate information (Article 17)

732. The Alberta Government views and rates all films before they are screened for the public. Effective December 1, 1997, a new film classification system was established to better assist families in making informed viewing choices for themselves and their children. This new system has six categories to indicate a film's suitability for viewing by children and young adults based on the intensity, frequency or explicitness of the sexual, violent, coarse language or disturbing/horror content.

V. Family Environment and Alternate Care

A. Parental guidance (Article 5) and
B. Parental responsibilities (Article 18, paras. 1–2)

733. The Alberta Government continues to provide education, assessment, family mediation, negotiation, referral and counseling services through its Family Mediation and Court Services. In 1996, a pilot project was conducted in Edmonton that required divorcing or separating spouses with children to participate in the "Parenting After Separation" Seminar. This six-hour

information and orientation seminar encourages and supports parents to work together to lessen the impact of separation or divorce on their children, and focus on their children's best interests.

734. In 1997, the Alberta Government, in partnership with the federal government made this seminar available province-wide. Notably, Alberta was the first province in Canada to make parenting education mandatory for divorcing parents.

735. Alberta continues to support parents who are working or studying by expanding the range of child care options available to them. Legislative amendments in 1994 are expected to increase the availability of private babysitting services. The amendments allow the operators of these services to provide care for up to 6 children under 12 years of age, without requiring a license.

C. Separation from parents (Article 9)

736. The Government continues to believe that the best environment for a child to grow and flourish is in his or her family home. However, if it is necessary to remove a child from that environment, the Government is committed to ensuring the child is receiving satisfactory care that meets his or her safety and security needs. The Government target for 1997/98 is that 100 percent of children in care are free from abuse or neglect. The actual figure for 1996/97 was 98.5 percent. Improved training for child welfare workers and foster parents are some of the initiatives being implemented in this area. Standards, certification and accreditation guidelines have been developed in partnership with the Alberta Association of Services for Children and Families.

F. Recovery of maintenance for the child (Article 27, para. 4)

737. The Maintenance Enforcement Program continues to be the major vehicle for the recovery of maintenance payments for child support in Alberta. Its main objectives are to ensure that children are being provided for and that parents are living up to their financial responsibilities. The program maintains approximately 42,000 files that impact close to 57,000 children. Several initiatives have been undertaken since 1993 to ensure this program remains responsive to the needs of children and their parents.

738. In 1994, the *Maintenance Enforcement Act* was revised to provide several new enforcement tools to program staff. One of these tools is the withholding of driver's licenses, motor vehicle registrations and other motor vehicle and registry services in the event that a debtor spouse fails to pay court-ordered maintenance, or make suitable payment arrangements with the Maintenance Enforcement Program. At the time of these legislative amendments, Alberta appeared to have the broadest range of enforcement tools of any province in Canada.

739. The Government recognizes that continual improvements to this program will make it more efficient and effective. In 1997, an internal review of the Maintenance Enforcement Program and child access issues was launched. The resulting recommendations are currently being considered for implementation. In addition, new performance measures are being developed to better monitor the program's effectiveness.

740. As noted in the first report on Alberta, the Government assists single parents receiving welfare to make applications for parentage and maintenance. The Government's target for 1999/2000 is 65 percent of single parents with orders or agreements. The installment in 1998 of a new family maintenance information system is one of the initiatives being undertaken to reach this target.

H. Adoption (Article 21)

741. Private and government adoption programs continue to be regulated under Alberta's *Child Welfare Act*. Amendments made in 1994 to this Act serve to streamline the private adoption process and better protect children, birth parents and adoptive parents.

742. In 1997, Alberta's *Child Welfare Act* was amended to bring The Hague Convention on intercountry adoptions into effect in Alberta. The Hague Convention provides safeguards for children and adopting parents and streamlines the process of intercountry adoption.

743. Also in 1997, the *Adoption Regulation* was amended to provide adopting parents involved in a private adoption with a new option for obtaining consent from the guardians of the child. The amendment allows lawyers to complete the consent.

J. Abuse and neglect (Article19), including physical and psychological recovery and social reintegration (Article 39)

744. Alberta continues to enhance its efforts to address the problems related to violence. Alberta's Department of Education coordinates the Safe and Caring Schools Initiative to improve student conduct and reduce violence in schools, including all forms of violence associated with racism. Characteristics of a safe and caring school include respect for cultural diversity and individual differences. Other departments, including Alberta Justice, support this initiative.

745. Alberta's Office for the Prevention of Family Violence, the first office of its kind in Canada in 1984, implements women's shelter standards and policies, tracks the use of women's shelter services, distributes educational material and provides training to government staff and the community on the dynamics of family violence.

746. Currently, there are 19 women's shelters, two second stage housing facilities and eight rural family violence prevention centres. These facilities provide shelter and other support services to battered women and their children. During 1997, 5,212 women and 6,232 children were accommodated in these facilities.

747. In 1996, Alberta passed its *Victims of Crime Act*. This legislation provides victims with access to information, financial benefits for injuries suffered as a result of a crime and funding to community groups to establish programs that assist victims of crime.

748. Additional plans for 1998 will see the introduction of legislation to provide new legal remedies for victims of family violence and their children. The remedies include emergency

protection orders that can specify no contact between an offender and victim, as well as grant the victim exclusive possession of the family home.

VI. Basic Health and Welfare

A. Disabled children (Article 23)

749. The first report on Alberta described the supports provided to disabled children and their families under the Handicapped Children's Services program. In 1995/96, the program's policy was updated and clarified to further strengthen its family support focus. The goals are to sustain the child within the family, to facilitate the child's developmental growth and participation in community life and to retain family involvement if a child requires out-of-home support. In 1996/97, approximately 96 percent of all children served were residing at home with their family.

750. Children with special needs are eligible for home care services. Children who are technology dependent or medically fragile can receive intensive in-home supports that are coordinated with other programs and services.

751. In the school system in Alberta, a new policy was introduced in 1993 that formally recognizes the preference to integrate special needs students into regular classrooms in their neighborhoods. Also, funding has increased to provide children with severe disabilities with more resources in the classroom, including teachers, teachers aides and special technology.

752. Through regional health authorities, the Provincial Mental Health Advisory Board, school boards and the Department of Family and Social Services, a broad range of supports is currently available to families with special needs children, from personal counseling and psychiatry/psychology services to speech language and occupational therapy.

753. Continual improvements in the coordination of services for special needs children and their families will be one of the outcomes of the major redesign initiative in Alberta (See the section on "General measures of implementation" for a description of this initiative).

B. Health and health services (Article 24)

754. Since the first report in 1994, Alberta has embarked on major restructuring of its health system. In April 1995, 17 regional health authorities (RHAs) replaced over 140 health facility and health unit boards and assumed responsibility for the delivery of most health services. A number of health services also are delivered by two provincial authorities: the Alberta Cancer Board and the Provincial Mental Health Advisory Board.

755. The RHAs have more decision-making responsibilities than health boards of the past, but still must operate within a provincial framework of policy, legislation, standards and strategic directions. The Government works with RHAs to ensure the delivery of quality health services to all Albertans and to develop strategies for addressing priority health concerns.

756. The Government's vision for the health system is healthy Albertans in a healthy Alberta. This vision embodies three characteristics:

- Albertans who are sick have access to quality health care services;
- individual health and the health of all Albertans is actively promoted and protected; and
- healthy social, economic and physical environments exist and contribute to improved health.

757. The Alberta Government Business Plan for 1998-2001 includes a goal that government will "support communities in developing integrated or collaborative approaches to meeting the needs of children and introduce health strategies to address priority health issues." The Department of Health Business Plan includes a strategy to work with other ministries and organizations to improve the health of Albertans, with children identified as a key target population.

(a) Child and infant mortality

758. The Government's overriding goal is that Albertans will be healthy. Life expectancy and infant mortality are monitored annually to measure progress towards this goal. Albertans have among the highest life expectancies in the world, and infant mortality rates have generally decreased over the past 20 years.

759. The 1996/97 Business Plan set a target of 6 deaths per 1,000 live births by 1998. In 1997, Alberta's rate was 4.9 deaths per 1,000 live births, which bettered the target earlier than planned by one year. The Government's ongoing monitoring of infant mortality rates ensures a continuing focus on this area.

(b) Primary health care

760. Twenty-five projects across the province have been selected as part of the major new project called "Advancing Primary Health Care in Alberta." These projects will test primary health care principles and programs to help develop new and better approaches for use across Alberta and Canada.

761. A number of the projects specifically target children. For example, the COPE (Community Outreach in Pediatric/Psychiatry and Education) project proposes early identification and subsequent assessment of children with emotional and behavioral problems. Linkages will be made to existing services and on-site cross consultations at elementary schools will occur between pediatricians and psychiatrists on more complex cases.

762. Two projects are aimed at high risk families in the first year of their children's life. These projects will be implemented based on the Healthy Families America Program. Alberta will be the first Canadian province to attempt to replicate this program.

(d) Appropriate pre-natal and post-natal health care for mothers

763. Another key performance measure used by the Alberta Government to monitor health outcomes is the percentage of low birth weight newborns. Low birth weight (i.e. less than 2,500 grams) is understood to be associated with lifelong health problems.

764. Data shows that low birth weight is one of the problems associated with births to mothers under the age of 18 and over the age of 35. In 1995/96, 6 percent of live births were below 2,500 grams. The target set for 1999 is 5.5 percent.

765. Alberta's Department of Health continues to work with RHAs to address this problem through the identification of modifiable risk factors and the development of strategies. Excellent information materials have been developed on topics such as healthy eating and lifestyle choices during pregnancy.

(f) Promotion, prevention and protection

766. The Alberta Government recognizes the importance of a proactive and wellness-based approach to health, and works together with RHAs, health practitioners and other sectors to ensure that increasing emphasis is placed on programs in this area.

767. One of Alberta's key child health initiatives is the childhood immunization program. Immunization is routinely offered for all children against nine potentially life-threatening diseases: diphtheria, whooping cough, tetanus, polio, Haemophilus influenza b (Hib) (meningitis), measles, mumps, rubella and Hepatitis B. Public health nurses across Alberta administer childhood vaccinations, which are provided at no cost to families. In 1996, the rate of immunization among two-year old children was 89 percent. The target set for 1998 is 95 percent. The Government's ongoing monitoring will ensure continued focus on this area in the future.

768. Mental health services for children are delivered by the Alberta Mental Health Board and the RHAs. The goal of these services is to provide early identification, assessment, consultation and treatment for children with mental health needs. The Department of Health funds: specialized inpatient beds for children in Edmonton and Calgary; permanent and traveling mental health clinics in over 80 communities in Alberta; and a variety of contracted services throughout the province. All mental health programs provided through the health sector are available to all Albertans without a fee. There also are significant expenditures for children with mental health needs in the education, child welfare and justice systems.

769. There are several innovative programs being undertaken in Alberta. One example is the two-year health promotion program called "You're Amazing," which was launched in 1997. The program is designed to educate parents aged 18 to 30 years about the factors influencing health and well being, and encourage them to make healthy choices for themselves and their children.

770. Another example is the "Think Think Again" program, which is designed to increase the proper and consistent use of safety seats and seat belts for children. The first program of its kind

in Canada, it combines awareness, enforcement and education in its approach to child safety. This program is being undertaken by a variety of community and government partners.

771. There also have been a number of traffic safety initiatives undertaken in recent years that target children who are going to and from school.

772. Another important area receiving Government attention is the problem of teen pregnancies. The birth rate for females under 18 years of age dropped by 28 percent between 1991 and 1996. The pregnancy rate for this group dropped approximately 14 percent from 1993/94 to 1995/96. A target has been set for year 2005: reduce the rate of births among teen mothers to below or equal to the national average in Canada. Several strategies are being undertaken to accomplish this target, key of which is the major redesign of children's services with its focus on prevention and early intervention. In addition, the Government will be targeting research on children's health and take specific action to meet children's health needs.

773. Work also is being undertaken to address Fetal Alcohol Syndrome (FAS). The Government is providing money and partnering with key stakeholders to implement short-term and long-term strategies for the prevention and management of FAS.

774. Overall, the Government remains committed to ensuring that Albertans are well-informed about promotion, prevention and protection. It continues to develop and make available materials on topics such as sexual health, childhood vaccinations, healthy eating for toddlers and preschoolers, feeding babies during their first year and the benefits of breast feeding.

C. Social security and child care services and facilities (Article 26 and para. 3 of Article 18)

775. In 1993, major reforms to Alberta's social welfare system were initiated to promote self-reliance and financial independence through employment. Today in Alberta, the welfare program provides income support, as well as training, education and career counseling to help people who can work get back into the workforce. Those who can't work have longer-term income support available to them. Between 1993 and 1997, the welfare caseloads declined by almost 60 percent.

776. An evaluation study conducted in 1996 revealed that over two-thirds of former welfare recipients were working in full- or part-time jobs. The majority of these former recipients felt that the quality of life improved for themselves and their children after leaving welfare.

777. The Government continues to monitor the impact of welfare reforms on children and their families. Recent initiatives to help low and middle income families in Alberta are highlighted in the next section.

D. Standard of living (Article 27, paras. 1-3)

778. The Alberta Government has taken action in the following areas.

779. Full or partial subsidy is available to low-income Albertans towards their health care premiums.

780. Continuing improvements to the Maintenance Enforcement Program ensure that single parents are able to collect the child support payments owed them.

781. In 1997, the Government introduced the Alberta Family Employment Tax Credit program. The program's objectives are twofold: to support children in low and middle income families, and provide an incentive for the parents of these children to be employed. The maximum credit per child is $250; the maximum per family is $500. These maximum amounts will double in 1998. Families earning up to the maximum of $50,000 per year will be able to benefit from this tax credit.

782. Also in 1997, the Alberta Government announced increases to its Child Care Subsidy rates. The family income levels to qualify for the Child Care Subsidy also will increase. The Child Care Subsidy program is designed to provide financial assistance to families who need help paying for the care of their pre-school children in either licensed day care centres or approved family day homes. Over the next two years, the monthly subsidy rate per child will increase, on average, by $100. By 1998, the maximum subsidy level per child for pre-school children will be $380 per month and for infants it will be $475 per month. In 1998, monthly family income levels to qualify for the Child Care Subsidy will increase, on average, by $330.

783. The Alberta Government also is a partner with the federal government in the implementation of the new National Child Benefit program, which is a major initiative to address child poverty in Canada and encourage families to participate in the workforce. Approximately 126,000 Alberta families are expected to benefit from this program.

784. Alberta will be reinvesting in several areas as part of its participation in the National Child Benefit program. A key reinvestment planned for 1998 will be in a new Alberta Child Health Benefit program. This program will offer full coverage of children's dental, optical, prescription drug and emergency ambulance services. Families with net annual incomes up to $20,921 will be eligible for these benefits.

785. Low-income families in Alberta also will benefit from the new supplement to the Canada Child Tax Benefit introduced as part of the National Child Benefit program.

VII. Education, Leisure and Cultural Activities

A. Education, including vocational training and guidance (Article 28) and B. Aims of education (Article 29)

786. Alberta's vision for education, inclusive of Early Childhood Services to Grade 12 is that its young people are the best educated in the country, able to achieve their individual potential, create a positive future for themselves, their families and communities and contribute to

Alberta's prosperity and superior quality of life. Many new initiatives have been undertaken to help Alberta realize this vision.

787. Beginning in 1993, a major restructuring of the school system was initiated under the leadership of Alberta's Department of Education. The key principles guiding this restructuring were to: focus resources in the classroom, give more authority to schools and parents for decision-making in the school system, reduce administrative costs and institute a fairer funding system for schools across the province.

788. A key goal of the restructured system is to focus on what students need to learn. The Government has defined "basic" education and its expected learning outcomes for students. A basic education must provide learning opportunities in the core subject areas of language arts, mathematics, science and social studies, as well as opportunities for students' personal growth and development.

789. A basic education goes beyond the fundamental requirement that students learn to read, write and understand the world around them. Students also must develop a respect for cultural diversity, desirable personal characteristics such as fairness and honesty, critical and creative thinking skills and a range of other positive skills and attitudes to ensure they are well-rounded individuals prepared for life after high school.

790. The Alberta Government closely monitors students' achievement scores to see how well they are doing in the core subject areas. In general, Alberta students consistently perform well on provincial, national, and international tests, often ranking high in comparison to their Canadian and international counterparts.

791. In 1997, the percentage of Grade 9 students achieving the acceptable standard on the language arts (i.e. literacy) test was above the provincial target of 85 percent. The comparable result on the mathematics test, however, did not meet the Government's target of 85 percent. Improving student achievement in mathematics has been identified as a priority area in Government's planning for 1998/99 to 2000/01.

792. Student achievement tests assist in identifying areas for improvement in school curricula. Alberta continues to work with the other western provinces and two territories to develop common curricula under the Western Canadian Protocol initiative. This work has included the development of curricula for the francophone minority as well as curricula to meet the special needs of Aboriginal children.

793. In 1997, Alberta established the first teaching quality standard in Canada to ensure continual improvements in the quality of education in the province. This standard: focuses teaching on optimum learning by students; outlines the knowledge, skills and attributes that teachers should possess and practice; guides teachers' career-long professional development; and, provides the foundation for teacher evaluation throughout the province.

794. The Government recognizes that a high school education is critical to a student's future success in the job market. Alberta's target set for 1996/97 was 75 percent of Grade 9 students completing high school within 6 years. The actual percentage attained was 69 percent. Future initiatives focus on helping students achieve success early in their school careers in key skills such as reading/literacy.

795. Improving student access to information technology has also been identified as a priority area. In 1997, the "Learner Outcomes in Technology Framework" was developed to ensure that Alberta students become knowledgeable technology users and have the technology-related skills to compete in future job markets. To complement these efforts, funding has increased for technology upgrading in schools.

796. The Career and Technology Studies program, recently expanded to all junior and high schools across the province, focuses on the knowledge and technology skills required in various career areas. It is designed to encourage students to explore the range of career options and prepare for both post-secondary education and employment.

797. Alberta's Department of Advanced Education and Career Development has introduced the Registered Apprenticeship Program for High School Students (RAP). RAP is a modified apprenticeship program that permits a high school student to become an apprentice while attending school. A RAP apprentice accumulates hours of on-the-job training as credit toward his or her apprenticeship, and credit toward a high school diploma or a certificate of achievement. RAP allows students to stay in school while learning a career, and provides an opportunity for them to "earn while they learn." An apprentice gets a realistic view of the work world and learns marketable skills.

798. Recent surveys show that 89% of parents and 97% of students are satisfied with the quality of education in Alberta. Increases in Government spending will bring its total expenditures in this area to $3.2 billion in 1998/99. These dollars go towards high quality programs for over 560,000 students, as well as for the upgrading, modernization and construction of school facilities. In addition to these dollars, by 1998/99, Government spending on the adult learning system, inclusive of universities, colleges and technical institutes will reach $1.3 billion.

C. Leisure, recreation and cultural activities (Article 31)

799. Alberta's Department of Community Development continues to work together with communities, other levels of government, business and the non-profit sector to promote activities which enhance the quality of life in Alberta. The range goes from developing and maintaining libraries, archives, historic sites and museums to promoting recreational, sport, cultural and artistic activities. The main beneficiaries of many of these efforts are the children of Alberta and their families.

VIII. Special Protection Measures

B. Children involved with the system of administration of juvenile justice

1. The administration of juvenile justice (Article 40)

800. In 1994, the Alberta Government launched a series of public consultations on the federal *Young Offenders Act*. A task force was established to obtain suggestions for addressing youth crime and rehabilitating young offenders. The outcome of the task force's work was a series of recommendations for both the provincial and federal governments.

801. Alberta continues to see the reform of the federal *Young Offenders Act* as a priority issue, and will be working closely with the federal government and its provincial counterparts across Canada to resolve concerns in this area.

802. Following from the recommendations of the 1994 task force, Alberta's Department of Justice continues to encourage local communities to establish Youth Justice Committees. Some committees have chosen to administer alternative measures programs that divert youth out of the criminal justice system, while others have opted to provide innovative sentencing recommendations to Youth Courts. As of December 31, 1997, there were 63 of these committees operating in communities across Alberta.

803. Alberta continues to support the Young Offenders Alternative Measures Program, which provides an alternative to formal court proceedings for young people accused of committing specified criminal offences. In 1996/97, this program was expanded to allow second time offenders an opportunity to participate if they are considered a low risk to the community.

804. The Alberta Government continues to ensure that youths have appropriate and prompt legal representation. In 1993, a pilot project was launched to hire Government lawyers to work at Legal Aid offices. A key component of this initiative was the establishment of special Legal Aid Youth Offices in Calgary and Edmonton. In 1996/97, based on the success of this pilot, the decision was made to make these offices permanent.

805. In 1997, Alberta's Department of Justice and the Department of Education signed the Young Offender Information Sharing Protocol. One of the main objectives of this protocol is to support a coordinated and case management approach to the rehabilitation of students with young offender status.

806. Overall, the Alberta Government's goal is to make the province a safe place to live and raise families. Key performance measures monitored annually are the rates of violent youth crime and youth property crime. While the rates have been declining in both areas in recent years, Alberta's rates are above the national averages. The targets for year 2000 are to reduce Alberta's rates below the national averages.

2. Children deprived of their liberty, including any form of detention, imprisonment or placement in custodial settings (Article 37 (*b*)-(*d*))

807. In 1997, Alberta opened several innovative camps for youths under custody dispositions, including a unique wilderness camp in southern Alberta and a camp for Aboriginal offenders in northern Alberta. These camps generally provide a range of educational, counseling and work programs to help rehabilitate and reintegrate youths into their communities.

Children in situations of exploitation, including physical and psychological recovery and social reintegration

1. Economic exploitation of children, including child labour (Article 32)

808. As mentioned in the first report in 1994 on Alberta, children under the age of 15 are generally not allowed to work; however, some exceptions exist. Under the *Employment Standards Act*, a person may be employed at age 15 to work from 6 a.m. to midnight without the consent of the parents, but younger persons require parental consent to perform any kind of work. Children who work also are subject to the *Occupational Health and Safety Act,* which applies to all workers in industries under provincial jurisdiction.

809. In 1997, the Alberta Government made a clear commitment to youth in its report titled *People and Prosperity: A Human Resource Development Strategy.* The Department of Advanced Education and Career Development has developed an Alberta Youth Employment Strategy in order to act on this commitment.

810. The vision of this strategy is to work with other partners to ensure Alberta youth are able to participate in the social and economic opportunities of the 21st Century. The following four goals outline the broad-based directions the Department will take to reach this vision:

- to create opportunities for all youth to develop the skills and knowledge needed for work,
- to increase work opportunities for youth,
- to help youth respond to the changing nature of work, and
- to address the cultural and social barriers that may prevent youth from working.

A variety of initiatives are planned or underway to attain the vision and goals.

811. As part of the Alberta Youth Employment Strategy, for example, in 1997, the Department of Advanced Education and Career Development launched a three-year pilot project, "Youth Connections: Learning Transitions for Youth," to help youth aged 16 to 24 years in Edmonton and Calgary improve their employment prospects. The target clients are youth who have not continued to post-secondary education. The project will assist them in assessing their skills and interests, building a career path and connecting to further learning, job training, work experience and employment. The potential for expansion to other centres across Alberta will be considered following an evaluation of the pilot.

812. In 1998, Alberta will be working with other jurisdictions in Canada to develop a new Federal/Provincial/Territorial Partnership on Youth Employment, which will make youth employment a national priority. This partnership will commit the federal and provincial/territorial governments to new bilateral arrangements and multilateral projects.

813. Also in 1998, plans are to increase the minimum wage in Alberta. The adjustment of the minimum wage will include the removal of the student wage differential. The minimum wage for students under 18 is currently $0.50 less than the minimum wage for those over 18. Effective October 1, 1998, Alberta will have one minimum wage for all workers. This change is expected to be of particular benefit to students who are working and contributing towards the costs of their post-secondary education. They will be paid the same rate as workers with comparable skills.

2. Substance Abuse (Article 33)

814. As reported in the first report in 1994 on Alberta, the Alberta Alcohol and Drug Abuse Commission (AADAC) and its funded agencies provide a full range of specialized treatment and prevention programs for youths and their families, from community counseling services, support groups and outreach programs to residential treatment programs. It also funds programs and services to address alcohol and drug problems among Aboriginal peoples, including Aboriginal youth.

815. AADAC's goal is to assist Albertans in achieving freedom from the abuse of alcohol, other drugs and gambling. A 1996 study on gambling and youth aged 12 to 17 years identified 8 percent as "problem gamblers" and 15 percent who could be considered "at risk" for problem gambling. Actions taken to address gambling issues among young people include the development of curriculum materials and educational outreach for schools, recognition/referral training for educators and information resources for parents. Future plans include the development of specialized Web-site content for youth on gambling and improved treatment tools for identifying gambling issues among youth.

816. Addiction issues among Alberta youth have been a long-standing concern of AADAC and it has a history of innovative programming and support to schools, educators, parents and youth on these issues. Since 1989, AADAC and its funded agencies have offered specialized adolescent treatment services across Alberta. In 1996/97, there were 2,717 adolescent admissions, an increase from 1995/96.

817. In support of the major redesign of children's services in Alberta, and the Government's priority on children, AADAC will continue to collaborate and partner with the Department of Community Development and other ministries, regional authorities and communities to strengthen its collective efforts to support children and youth. AADAC's activities include, for example: coordinating Fetal Alcohol Syndrome (FAS) initiatives; partnering in the establishment of the Alberta Tobacco Reduction Alliance (ATRA), and developing renewed prevention programs that focus on resiliency and positive outcomes; and planning and delivering an international youth conference in Calgary with funding from the United Nations Drug Control Program (UNDCP).

3. Sexual exploitation and sexual abuse (Article 34)

818. In 1996, Alberta established the Children Involved in Prostitution Task Force with membership from government, schools, police services and community agencies. The Task Force's report was released in 1997 with a series of recommendations.

819. Following from the work of the Task Force, in June, 1997, Alberta's *Child Welfare Act* was amended to acknowledge that children under the age of 18 years involved in prostitution are victims of sexual abuse, and those who exploit these children are subject to being charged with the provincial offence of causing a child to be in need of protection.

820. Plans for 1998 include the introduction of further legislation to provide parents, police and child welfare workers with broader powers to address the problem of child prostitution. This legislation also will provide for the establishment of programs to assist children in ending their involvement in prostitution, and to prevent others from getting involved in prostitution. The Act is expected to increase penalties for placing a child in a position of needing protection or for interfering with protective services.

D. Children belonging to a minority or an indigenous group (Article 30)

821. The consideration of the special issues faced by aboriginal children continues to be an integral part of the work done by Government ministries. These efforts are reflected throughout this report.

822. The Governments of Canada and Alberta continue to work together with First Nations and Metis peoples towards their attainment of self-government, which includes the transfer of responsibility for programs and services such as child and family services.

SASKATCHEWAN

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823. This will update, to August, 1998, the information contained in Saskatchewan's contribution to Canada's Initial Report on the Convention.

Saskatchewan's Action Plan for Children

824. The Saskatchewan government's Action Plan for Children is a broad, interdepartmental strategy to enhance the well-being of Saskatchewan's children. It is a policy framework and a multi-year strategy through which community and government programs for children are implemented. The policy framework sets forth a common vision as well as a set of shared principles and goals which focus on children in the context of their family and community. The Action Plan acknowledges the importance of strong support for children in their early years, promotes the development of prevention and early intervention services and encourages collaborative approaches between communities and government to address the needs of children.

825. Begun in 1993, the Action Plan represents the cooperative efforts of eight government departments and secretariats, as well as hundreds of other Saskatchewan communities, agencies and organizations. Action Plan priorities include reducing child poverty, strengthening early childhood development, supporting vulnerable children and families, and helping youth at risk. Currently, the government's contributions to new or enhanced programs and services for children and families exceeds $53 million annually, including $18 million towards the Saskatchewan Child Benefit and the Saskatchewan Employment Supplement Programs to address child and family poverty. Recently, the Action Plan received national recognition at the "Canada's Children ... Canada's Future" conference in Ottawa through the presentation of the "Champion for Children" award to Premier Roy Romanow for the Province of Saskatchewan.

826. In 1994, the Action Plan established the Saskatchewan Council on Children. Members of the Council are volunteers from diverse service sectors and geographical areas of the province. The 25-member Council provides a forum for discussion and advises the Government in areas of health, justice, education, recreation, housing, social services and other areas affecting the well-being of Saskatchewan children.

827. The establishment of the Children's Advocate Office, in November of 1995, was a significant step toward ensuring that children's rights, particularly to the right to a "voice," are more fully realized. Saskatchewan's Children's Advocate is an officer of the Legislative Assembly and reports directly to that body. The Office provides assistance to children under the age of 18 years in their dealings with government. The Children's Advocate has the authority to review and investigate any matter, from any source. The Office also provides public education on the needs of children and youth, helps resolve disputes, conducts investigations and advises the government on how best to meet the needs of Saskatchewan children and youth. The full realization of rights for children is an on-going advocacy role of the Children's Advocate Office, and the Advocate regularly identifies for government departments and agencies specific circumstances where, in her opinion, children's rights have been violated. Annual reports from the office are public documents and clearly reflect the rights-based issues that the Advocate and her staff have identified. It is reflected in those annual reports that, while Saskatchewan protects children's rights in a variety of ways, there continues to be significant work to do to ensure that all children equally enjoy the rights articulated in the *Convention of the Rights of the Child*.

828. First Nations Bands and Tribal Councils have set as a high priority the development of child and family services controlled by First Nations. The Department of Social Services has been working with First Nations to enter into agreements to delegate appropriate authorities under *The Child and Family Services Act* to First Nations Child and Family Service Agencies.

Article 2: Equality

829. In June 1998, the Saskatchewan Human Rights Commission made a written submission to the Balancing Work and Family Task Force. The submission outlined the protections of *The Saskatchewan Human Rights Code* against discrimination on the basis of family status, and discussed the obligations of employers to accommodate their employees' family needs.

Article 9: Child Protection

830. The protection of children is part of the mandate of the Department of Social Services. A new family-centred case management approach was developed in 1992, which seeks to reduce the risk of harm to children, while building on family strengths. It requires the active involvement of the family in completing an assessment and engages them in the treatment process. Central to the model is the importance of identifying clear goals, providing time-limited service, and conducting regular reviews to update case plans.

Article 12: Giving Children a Voice in Matters that Affect Them

831. The Children's Advocate Office promotes the rights of children and young people to a "voice" in matters that affect them. In 1998, the Children's Advocate Office sponsored a youth participation roundtable. This roundtable resulted in the formation of a provincial youth delegation which includes 25 Saskatchewan young people who actively promote increased recognition of, and respect for, children's rights in Saskatchewan. This delegation is particularly concerned about promoting the voice of youth in decision-making and planning.

Article 18: Parents' Responsibilities

832. Parenting education is a preventive strategy that helps families nurture and care for their children. In 1997-98, the Department of Social Services supported a range of provincial and community parenting education activities across Saskatchewan.

833. The Provincial Parenting Education Network is an ad hoc group of individuals, agencies and government departments interested in promoting the value of parenting, promoting positive perceptions about parenting education, and enhancing the knowledge and skills of care givers.

834. Parenting Education Saskatchewan, a project of Family Services Saskatchewan, provides information, support and consultation about parenting education to community members and groups. The project is jointly funded through the Departments of Social Services and Health.

835. The *Parenting Education Saskatchewan Directory* has been distributed throughout the province. The directory provides information as to where families may find parenting education programs, the types of programs that are available and the location of parenting resources. The project also supports the delivery of community-based parenting education activities through group skills development workshops, a provincial parenting education conference and the distribution of the Parenting Education Newsletter.

836. The Parenting Education Program, "Nobody's Perfect" is coordinated by the Saskatchewan Institute on Prevention of Handicaps with the support of the Department of Social Services. The program offers training and support to parents of children up to five years of age, who are young, single, socially, culturally or geographically isolated, and have low incomes. In 1997-98, a total of 60 facilitators were trained to offer the program in communities throughout Saskatchewan.

837. The Teen and Young Parent program is a voluntary program targeted at young parents. The program is delivered by social workers located in regional offices and by non-government agencies. The program encompasses four components: Pregnancy Counselling, Parenting Support, Life Skills Management, and Education Counselling and Support.

838. The licensed Child Day Care Program offers child care services for children who require alternate care while their parents work or study, as well as for families or children with special needs. Since 1992-93, over $4 Million has been spent on increasing the number of licensed child care spaces available to working parents, improving the affordability of care, improving the conditions of care and the earnings of care givers, and the testing of new models of care to better meet the needs for non-traditional work schedules.

839. In 1998-99 the Department of Health is contributing $2 million through the Family Health Benefits Program to help families on social assistance enter the work force without losing child health benefits (including dental services, eyeglasses, medical supplies and appliances, prescription drugs and ambulance services) and to assist lower income working families to ensure they do not need to resort to social assistance because of their children's health needs.

Article 20: State and Foster Care

840. Saskatchewan has a fully developed foster care system. Foster families are screened prior to approval through questionnaires, interviews, reference checks, and training. After approval, foster families must complete additional training. Foster homes are reviewed annually by the department.

841. As much as possible, children are matched with the foster family. The majority of placements in foster care are for short periods of time until it is safe for the children to return to their families. In some instances, where it is determined that the family will be unable to provide safe care, children may be made permanent or long term wards. Where adoption is not possible or appropriate, these children may remain with their foster family until they reach the age for independent living. Connections with the child's family and cultural community are maintained as much as is appropriate and in some instances the child may be placed and supported with extended family.

842. Foster care families receive monthly payments to meet the basic needs of the child including food, clothing, education, recreation and other basic requirements. In addition, funding is available for the foster family, or the child, to meet any special needs the child may have.

Article 21: Adoption

843. The *Adoption Act* ensures safeguards and standards for child adoption. In April 1997, Saskatchewan ratified the *Convention on the Protection of Children and Cooperation in Respect of Intercountry Adoption. The Intercountry Adoption (Hague Convention) Implementation Act* became effective the same date. Adoption is recognized as an alternative means of providing a permanent family for a child after all appropriate measures have been taken to ensure, if possible,

that a child can remain in his or her family of origin, extended family, or be suitably cared for in their country of origin. Policy and practice are guided by the best interests of the child and recognition and respect for the rights of all the parties to an adoption. In intercountry adoption every effort is made to abide by and promote the standards and principles of the Convention regardless of whether the other country is a party to the Convention.

844. The Department of Social Services has entered into a bilateral agreement with an accredited Romanian adoption agency to facilitate Romanian adoptions. This Memorandum of Understanding ensures that the process contained in the Hague Convention is implemented for all adoptions facilitated under the agreement.

Article 23: Children With Disabilities

845. The Community Living Division of the Department of Social Services provides support to individuals of all ages with intellectual disabilities. Services centre around the family unit and its pivotal role in meeting and supporting the needs of children. The Division assists families in assessing their children's support needs and in coordinating contact with the appropriate service providers. The Division also provides families with funding support of up to 60 days of respite per child per year. Families with children with more substantial support needs have access to services contracts for specialized services, often in partnership with health and education programs.

846. The Division also assists in the provision of out-of-home supports. In these situations, the first priority is to have the child reside in a family home environment in which the family of origin retains as much involvement as possible, given their ability and willingness to remain involved. If the child's needs dictate that specialized medical care is required, community-based residential programs are considered while attempting to encourage and retain a strong tie to the family.

847. The Community Living Division promotes early intervention by providing grants to 16 non-profit Early Childhood Intervention programs that operate throughout the province. These programs address the developmental needs of children with developmental challenges by providing in-home support and training to parents.

848. The Division works with a number of organizations that advance the training and support needs and human rights issues of persons with intellectual challenges. These organizations include: the National Association of Dual Diagnosis, the Roeher Institute of Toronto, and the Saskatchewan and Canadian Associations of Community Living.

849. School boards are required to provide students with disabilities with appropriate special education programs and services without cost to those pupils or their parents or guardians. In keeping with the philosophy to enable students with disabilities to function in the regular classroom as much as possible, school divisions provide a range of programming and services for students depending on their individual needs. The Government assists school boards with the

additional expense of educating students with disabilities by providing conditional funding specifically intended to meet the goals of access to the curriculum and appropriate programs.

Article 24: Health

850. The Department of Health funds specialized projects that address children's needs: annual core funding to health districts, which allocate funds to services such as immunization clinics; support to independent agencies such as the Saskatchewan Institute for the Prevention of Handicaps; payment of physician services used by children and parents; and payment of prescription drug costs incurred in the health care of children.

851. The Department of Health funds and otherwise assists several programs initiated by the Action Plan for Children, including the Prevention and Support Grants Program, the Family Health Benefits Program, the Early Skills Development Program, the Successful Mothers Support Program, the Fetal Alcohol Syndrome Strategy, the Hepatitis A Immunization Program, the Coordinated Behaviour Management Initiative, the Provincial Parenting Education Project, the Enhanced Measles Immunization Program, the Treatment Services for Adolescent Offenders Pilot Project, Health Improvement Initiatives, integrated school-linked services to children at risk of failure in school or life, youth wellness centre projects, and community-based youth gambling prevention and education initiatives.

852. In 1997-98, the Department of Health assisted the Saskatchewan Institute on Prevention of Handicaps in producing and distributing *Critical Issues in Health for Saskatchewan Children*, a two-part report on challenges to the health of children—one part covering birth to age 9, and another from 10 to 19 years of age. The documents provide valuable information for First Nation, Metis and non-aboriginal communities to prevent hospitalizations and deaths and to promote the health and well-being of Saskatchewan children.

853. Health education is provided in Saskatchewan schools to students from kindergarten to grade 12, with the goal of allowing students to acquire and evaluate health-related information, to make and apply decisions to improve their own physical, mental and social well-being and that of their peers, families and communities. Services such as immunization, screening, assessment, emergency services and counselling are also provided.

854. The provincial Department of Environment and Resource Management is responsible for monitoring all municipal water treatment systems, and all private systems over a certain size. Water samples from many swimming areas, such as public beaches, are also analysed. If results indicate a health problem, the Health Department and the appropriate local authorities are notified. Similarly, air quality in the 2 major cities is continually monitored. Industries monitor and submit reports of their operations and the possible impacts on the environment. The effects of hazardous spills on air, water and land are also monitored. Canada-wide standards are used as a guide to the provincial assessment of air and water quality. Standards take into consideration the health of people and of other ecosystem components.

Article 26: Social Assistance

855. Saskatchewan has taken a leadership role in the development of a National Child Benefit program to reduce child poverty and encourage participation of parents in the labour market. Income security programs have been restructured to reduce barriers to leaving assistance and increasing incentives for low income parents to work. Through the *Building Independence—Investing in Families* initiative, the government provides opportunities and assistance to vulnerable families to help them remain independent or to leave social assistance.

856. Three new programs were introduced in 1998 to build on existing programs. The Saskatchewan Child Benefit provides a monthly allowance to assist lower income families with the cost of raising children. The Saskatchewan Employment Supplement is a monthly payment which supplements income earned by lower income parents from wages, self employment, and child/spousal maintenance to assist with the child-related costs of working. Family Health Benefits are provided to lower income families to ensure they do not fall onto social assistance because of the health needs of their children.

857. Saskatchewan has implemented changes to student financial assistance programs, in response to the National Child Benefit initiative. Both the Student Loans program and the Provincial Training Allowance have introduced adjustment policies and processes to accommodate students who, for whatever reason, may not be in receipt of an appropriate level of child benefit payment.

Article 27: Standard of Living

858. The Child Nutrition and Development Program responds to the issue of child hunger and poverty within the province. It emphasizes a preventative approach by encouraging communities to find local solutions to local problems. In 1997-98, funding for the Child Nutrition and Development Program supported 49 agencies and school divisions throughout the province, including 25 new programs. The budget for the program increased to $1.2 million beginning in 1997-98. An additional one-time allocation of $500,000 was made available to support self-sufficiency projects as part of the transition package to the National Child Benefit. Projects include child feeding programs, community nutrition projects, youth and family support projects, and self-sufficiency projects.

859. In 1994-95, $250,000 was provided to Legal Aid to assist low income people in family law matters including obtaining child maintenance payments. That amount was raised in 1997 to $500,000 annually. In Saskatchewan, more than half of all single parent families qualify for welfare at some point in a given year. Fewer than 25 percent of single parents on welfare receive maintenance. The Saskatchewan Employment Supplement provides a financial incentive for single parents to acquire or increase maintenance income to better meet the needs of their children.

Articles 28 and 29: Education

860. The *Saskatchewan Human Rights Code* states that every person shall enjoy the right to education in any school, college, university or other place of learning without discrimination because of race, creed, religion, colour, sex, sexual orientation, family status, marital status, disability, nationality, ancestry, place of origin or receipt of public assistance.

861. The development of the child's full potential is the goal of Saskatchewan's Core Curriculum. In addition to the specific areas of study, a major component of the Core is the "Common Essential Learnings", which emphasizes general skills, values and attitudes in all areas of endeavour. The Common Essential Learnings include communication, numeracy, technological knowledge, independent learning, personal and social values and skills, and creative and critical thinking.

862. Curriculum renewal is currently being undertaken in the Practical and Applied Arts area to ensure that the basic education available to all Saskatchewan students includes practical and applied learning opportunities.

863. Career guidance information and counselling is available in all Saskatchewan schools. Career guidance materials produced by a variety of organizations are regularly distributed to high schools. As well, a computerized information system, developed for use in student counselling, is available to schools and school divisions.

864. Saskatchewan's post-secondary education and training system is developing in response to new skill requirements by employers and the trend for jobs to require higher education, specialized qualifications, and knowledge. A new training strategy is being implemented that provides Saskatchewan people with quality training opportunities which respond to their needs and those of the labour market. The apprenticeship training system is being reviewed and re-designed. The province is in the process of developing an integrated, coordinated approach to providing employment services to help people connect, or re-connect, to the labour market.

865. Governments, training institutions, industry and the community are working together to better coordinate labour market and training services to ensure youth have access to the education and training they require for employment. In addition, new training and employment initiatives are available for youth who face significant barriers to training and employment, including Aboriginal youth, to help them develop the skills they require to participate in the workforce.

866. The Provincial Training Allowance, grants, bursaries and loans provide financial support for students who face financial barriers that prevent them from accessing post-secondary education and labour market services.

867. Saskatchewan has implemented a Youth Futures pilot program to provide career, employment and training services for youth on social assistance to help them develop the skills necessary to obtain employment. Options to expand the program are being developed.

868. The Youth Employment Action Plan focuses on labour market, education and economic issues facing youth. A toll-free telephone hot-line career information service is now in service.

869. Saskatchewan is in the process of implementing the Saskatchewan Training Strategy and the Canada-Saskatchewan Labour Market Development Agreement. Both the Training Strategy and the Agreement place high priority on making timely, relevant career and employment information services available and accessible to the public.

870. Initiatives to encourage students to stay in school are under way, on a provincial level and in cooperation with the federal government and other initiatives. The Department of Education recognizes that children who are not attending school often have a complex range of needs and problems and actively works with other government agencies and community organizations to address these challenges. The Community Schools Program and the Indian and Métis Education Development Program support school divisions to improve retention and completion rates for Aboriginal and northern students.

871. *The Education Act* requires that school divisions develop policies regarding discipline within their schools. Schools teach students to respect themselves and others and this reinforces non-violent behaviour initiatives. Although corporal punishment is not prohibited by law, school divisions are encouraged to eliminate or minimize its use. Many school divisions have already discontinued corporal punishment in their student discipline policies and practices.

872. To promote and encourage national and international cooperation to facilitate access to knowledge, Saskatchewan's Core Curriculum has been provided on the Internet. This service increases the availability of quality curriculum documents to educators and students around the world.

873. The Community Schools Program funds 26 inner-city schools throughout the province and emphasizes a comprehensive, holistic approach to educating children at risk. The focus is on a relevant learning program, parent and community involvement, the integration of support services, and community development. A Pre-Kindergarten Program for three and four year old children has been established in Community Schools to emphasize prevention and early intervention. Research and experience demonstrate that intervention in the first years of life can provide a solid foundation and reduce the likelihood of educational problems arising later.

874. The Northern Community School Program is in the developmental phase. Prekindergarten programming is a part of it. Schools participating as development sites focus on a culturally-affirming learning program, enhancing family and community involvement, integrating services and community development.

875. The Department of Education currently has a number of initiatives in place to address the needs of Indian and Métis students and improve student success. These include aboriginal Teacher Education Programs, a major curriculum overhaul to incorporate Indian and Métis content in curriculum, in-service education to assist teachers to teach Aboriginal curriculum content, Community School and Early Intervention Prekindergarten Programs and the Indian and

Métis Education Development Program, which funds locally developed and collaborative solutions to assist students in their learning.

876. Saskatchewan is working with the federal, First Nations and Métis governments to develop and coordinate specific initiatives for Aboriginal youth within the Youth Employment Action Plan, the Urban Aboriginal Strategy and the Bilateral Agreement on Youth Programming. The province is also working with First Nations and Métis post-secondary education institutions to strengthen and support their role in delivering education and training to students, especially youth.

877. Integrated School-Linked Services is a major initiative that addresses the growing number of children coming to school with complex social, emotional, health and developmental problems that make it difficult for children to do well in school and in life. Integrated School-Linked Services uses a holistic, inter-agency approach that brings schools, families, human service agencies and communities together to improve and integrate services for school-aged children, youth and their families.

878. Saskatchewan is taking a collaborative and community-based approach to education equity intended to ensure that all people have equitable opportunity and benefit within our education system. Since 1994, the Equity in Education Forum, a provincial coordinating body of educational partners, has been working to develop a shared policy framework on equity in education. As of March 31, 1998, there were 18 K-12 education equity plans approved and monitored by the Saskatchewan Human Rights Commission.

879. To date, education equity plans at the K-12 level have been designed to meet the needs of Aboriginal students only. In its 1997 monitoring of education equity plans, the Commission urged school divisions with approved plans to build on what they have already accomplished by expanding their equity programs to include all children.

880. The Department of Environment and Resource Management provides educational material on ecosystem-related topics, such as fish, birds, wildlife and forests. "Wildlife in your Backyard" and "Helping the Environment" are materials that are distributed on request to school teachers and school libraries. Presentations to classrooms and youth groups are provided on wildlife, habitat, and forests. The "Clean Cat" mascot travels to schools to inform students and teachers about the 4 R's (reduce, reuse, recycle, recover).

Article 31: Recreation and Leisure

881. Net profits from the sale of lottery tickets by the Western Canada Lottery Corporation are transferred to a trust, which distributes those monies to sporting, cultural and recreational groups. The goals of the trust fund include providing accessible and equitable program opportunities, particularly for vulnerable children, youth and families, Aboriginal persons, residents of northern Saskatchewan, older adults, women and disabled persons.

882. Revenue permitting, Sask Sport Inc., Sask. Culture and the Saskatchewan Parks and Recreation Association work to address priorities that include the development of community youth centres, and enhancement of northern community school programming, enhanced multicultural funding, team development and high performance training for the Canada Games being hosted in Saskatchewan in 2005.

883. Saskatchewan's park system is made up of 34 provincial parks, including 4 wilderness, 10 recreation, 11 natural environment and 9 historic parks, plus an additional 137 recreation sites, 8 historic sites and 23 protected areas. Park entry fees and camping fees are kept as low as reasonably possible. Student and youth groups, families and individuals participate in park programs and use self-guided interpretive trails, auto tours and interpretive displays. Programs in natural environment and recreational parks range from water safety demonstrations and guided nature hikes to evening campfire presentations. Cultural educational programs are also offered in some parks, including partnering with local Aboriginal groups to provide cultural awareness.

Article 34: Protection from Sexual Exploitation

884. The Departments of Social Services and Justice are leading a strategy to address the issue of children and youth involved in prostitution. Integral to the strategy is a commitment to working with communities as they identify their needs in their approach to this complex problem.

885. The strategy includes the following 5 points: a public information campaign with the message that child prostitution is child abuse, a strict law enforcement policy aimed at those who sexually exploit children, targeted outreach services through community agencies to connect with and serve children involved in prostitution, creation of a tracking and monitoring system to enhance the detection and prosecution of perpetrators and to facilitate services to victims within Saskatchewan and across the country, and a review of existing provincial and federal laws to ensure they assist and do not set up unreasonable barriers to the successful prosecution of those who sexually exploit children or to the delivery of services for children and youth involved in prostitution. Funds have been allocated to jointly support community-led initiatives as they have been developed.

Articles 37 and 40: Young Offenders

886. Young offenders in open custody may be placed in the Community Homes Program, located throughout the province to provide care and custody services for youth who would otherwise be placed in custody facilities. This program allows the youth to remain closer to home, have access to community-based services and schools, and benefit from the relationships and activities of a healthy family environment. This program is currently under review so as to ensure appropriate placement of youth and the safety of the community.

887. The Paul Dojack Youth Centre is offering a specialized sex-offender treatment program to youth sentenced to closed custody. A psychologist has been added to the facility. Other provincial facilities have access to psychologists through connections with health district human services personnel. Ongoing efforts are being made to ensure that custody youth have support

services available to them through their community health districts upon their release. The use of community-based health services is incorporated in the case plan developed when a youth is sentenced to custody.

888. Saskatchewan has emphasized approaches to hold young offenders accountable that reduce the system's reliance on the use of custody. Emphasis has been placed on the introduction of child welfare programs that are accessible to young offenders such as the Support Services Program to 16 and 17 year-old youth and the interdepartmental Strategy on Child Prostitution.

889. Within the context of young offender programs the Department of Social Services provides community-based services such as Alternative Measures, Pre-Disposition Services, Judicial Interim Release Services, Probation, Intensive Community-Based Services, Intensive Supervision and Support, and Day Programs. Emphasis has been placed on the delivery of alternative measures by First Nations and Métis agencies. Plans to introduce and support Community Justice Committees are underway.

890. Where alcohol or drugs have been a significant factor in the commission of an offense by a sentenced youth, an assessment of dependency on alcohol and drugs is offered. Services within the custody facility with community-based addictions personnel are provided.

891. Officials responsible for custody facilities continue consultations with First Nations and Métis communities to develop and implement culturally sensitive programs in addition to the current services offered to young offenders. In August of 1997, a standards development process was implemented for the Young Offender Program relating to custody facilities. Standards are to be congruent with the United Nation Rules for the Protection of Juveniles Deprived of their Liberty.

892. Youth are protected by policy that provides for limited and monitored use of physical restraints and confinement and the behaviour management techniques that are congruent with the Saskatchewan Youth Model of custody. Under the Model, improved case management practices and the hiring of human service personnel knowledgeable in youth developmental and rehabilitative needs help to ensure that youth are treated with humanity and dignity, in a manner which takes into account the needs of persons of their age. Youth are kept separate from adults and communication with family is assured. The policy is scrutinized by the Children's Advocate, youth workers and a newly initiated self-evaluation process.

893. To ensure youth have prompt access to legal and other appropriate assistance, staff of the Young Offenders Program inform youth of their rights, assist youth to complete contacts within reasonable time frames, and post information for young offenders about the services of Legal Aid and the Children's Advocate.

Article 42: Dissemination

894. Since its inception in 1994, the Office of the Children's Advocate has been publishing brochures summarizing the rights of the child as declared in the Convention as well as offering

copies of the Convention itself to the public. In addition, the Children's Advocate and her staff speak, on average, to 70 community groups each year. Children's rights are an integral component of these presentations.

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895. This report is intended to update the information provided in Manitoba's 1st Report through to September, 1999.

General Measures of Implementation

896. The Manitoba government continues the province-wide commitment to children, youth and their families. In keeping with the *United Nations Convention on the Rights of the Child*, Manitoba children and youth will have first call on resources they need to develop into productive and healthy adults. As part of its commitment, the government has given the Manitoba Children & Youth Secretariat the mandate to coordinate the implementation of the *CHILDRENFIRST* strategy. The Secretariat works across government sectors to co-ordinate services and facilitate change in the current service delivery system.

897. There are 4 major areas of policy direction in the *CHILDRENFIRST* plan:

- providing a good start by focusing on the early years of a child's life;
- strengthening families and communities;
- recognizing and respecting Aboriginal culture; and
- reducing barriers to co-ordinated outcome-based services for children and youth.

898. The Children & Youth Secretariat develops joint working arrangements among government, non-government organizations, agencies, community and private sector interest groups. Amongst its current initiatives are:

- *BabyFirst*, which addresses the needs of families and children who are at risk (conception to 3 years old) through home visitors promoting positive parenting in the prevention of child abuse and neglect. It is based on the highly successful Hawaii Healthy Start Program and is delivered through Regional Health Authorities throughout the Province.

- *Early Start*, which provides focused early intervention with children aged 2-5 years to increase school readiness and decrease the need for costly education/health/social services intervention in the future. It is modeled on the *Perry Preschool* and *Head Start* best practice models and is delivered through child care centres.

- *Fetal Alcohol Syndrome Strategy*, which includes short and longer-term initiatives designed to reduce the number of children born who are affected by FAS/FAE and to assist care-givers and service providers of FAS/FAE affected children and youth. A partnership has been formed with the other prairie provinces and northern territories to join forces on this issue.

899. The Children & Youth Secretariat evaluates all their initiatives within the context of four inter-dependent outcomes: healthy child development, secure attachments and identity, learning readiness across the lifespan, and social engagement and competences. These outcomes are consistent with the *UN Convention on the Rights of the Child*, and are fundamental to building capacity and resilience for children, youth, families and community.

900. In addition, the Office of the Children's Advocate, which had been created in 1992, has been significantly changed and enhanced. On 17 February, 1999, it became an independent office of the Manitoba Legislative Assembly. As such, it is now independent from the executive arm of government. Although it is still mandated under the *Child and Family Services Act*, it also holds responsibility under the province's new *Adoptions Act*. The role of the Children's Advocate is to:

1. advise the Minister (Family Services & Housing) on matters relative to welfare and interests of children who receive or are entitled to receive services under both Acts, and the services provided and available under both Acts;

2. in response to a complaint, act as an advocate to represent, other than as legal counsel, the rights, interests and viewpoints of children receiving or entitled to receive services under the *Child and Family Services Act* and *Adoptions Act*;

3. accept, review and investigate complaints made by children on their behalf regarding services received or relating to services provided or available under both Acts;

4. provide reports with respect to matters investigated and provide recommendations to address the needs of children, as the Advocate deems appropriate;

5. accept referrals from the Minister and/or the Standing Committee of the Assembly on Privileges and Elections to review, investigate or report on matters relating to the welfare and interests of children receiving or who are entitled to receive services and in relation to services provided or available under the *Child and Family Services Act*, and to report back as the Advocate deems appropriate, subject to any special direction of the referral source;

6. prepares and submits an annual report to the Speaker of the Assembly respecting the performance and duties and the exercise of the powers of the Children's Advocate;

7. the Office of the Children's Advocate is mandated to provide services to children (ages 0-18) across the entire Province;

8. while not specified within the legislation, there are other implicit activities of the Advocate. These include empowering children by sharing information about how the

system operates; supporting and enabling children to speak for themselves; educating children and others regarding the rights and entitlements of children under the relevant Manitoba legislation and under the *UN Convention on the Rights of the Child*; promoting self and natural advocacy for both children, their families and communities; reviewing and assessing potential and real impacts of existing or proposed legislation and policies; providing information and referral services on matters that are not within the scope of the Children's Advocate's mandate; developing effective partnerships with child, youth and their families and community agencies and organizations;

9. in May, 1999, additional resources were provided by the Legislative Assembly to expand the office of the Children's Advocate. It now includes the provincial Children's Advocate, four line Advocates and two support staff.

General Principles

Article 2: Non-Discrimination

901. Manitoba Education and Training strengthened its efforts to deal with issues of discrimination within the educational system and the school curriculum by making a commitment in 1995 to develop curriculum that is inclusive and challenges racism and discrimination directly. In the policy document, *A Foundation for Excellence* (1995), it made a commitment that all new curricula developed or approved by Manitoba Education and Training would need to be developed from an anti-racism and anti-bias perspective and be gender-fair. Similarly, learning resources reviews for curricula will ensure that resources are screened for biases and stereotypes.

902. Schools are supported in their efforts to implement anti-racism/anti-bias policies and practices by the provision of a Multi cultural Education Specialist who is available to work the school division and school teams to develop effective strategies, plan for and implement anti-racism/anti-bias education.

Articles 3, 6, 9 and 12: Best Interests of the Child, the Right to Life, Survival and Development and Respect for the Views of the Child

903. The best interests of the child is a governing principle in determining custody of, and access to children pursuant to Manitoba's *Family Maintenance Act*.

904. When ordered to do so by the Court, Family Conciliation (within Manitoba's Department of Family Services) has family evaluators prepare custody and access assessment reports. Through these reports, which make recommendations as to the custody or access arrangements the evaluator feels are in the child's best interests, the views of the child can be expressed to the Court.

905. In addition, Legal Aid Manitoba has agreed, at least in the short term, with the Court of Queen's Bench (Family Division) to cover the cost of appointment of legal counsel as *amicus*

curiae (to advise of the judge as a friend of the Court, in private custody and access disputes). Depending on the role played by the *amicus* in a given case, the views of the child may or may not be expressed to the Court.

906. Legal Aid Manitoba has designated a Child Protection Office with three lawyers and a paralegal operating almost exclusively within the realm of child welfare legislation. It is this office which now devotes a significant portion of the time of one lawyer to the *amicus* role identified above. The number of *amicus* representations paid for by Legal Aid Manitoba has increased rapidly, and Legal Aid Manitoba is proposing that a cross-system committee be struck consisting of the private bar, the judiciary, staff lawyers and child welfare workers to establish protocols and standards for *amicus* representation.

Civil Rights and Freedoms

Articles 12-14: The Child's Opinion, Freedom of Expression, Freedom of Thought, Conscience and Religion

907. The child's right to self expression is celebrated in Manitoba's education curriculum especially with respect to English Language Arts. The first general student learning outcome of the new curricula (Kindergarten to Senior 4) is: "students will listen, read, write, view and represent to explore thoughts, ideas, feelings and experiences."

908. Amendments have been made to regulations regarding religious exercises and observances in school to ensure that public schools respect students' rights with respect to freedom of thought, conscience and religion.

909. Guidelines regarding the treatment of controversial subjects in school curricula and classrooms ensure that all aspects and perspectives of a particular issue or event are presented and explored.

Article 16: Protection of Privacy

910. As previously stated, health records, adoption records and school records are confidential documents and access to them is limited. The relevant legislation is now *The Privacy Act*, *The Freedom of Information and Protection of Privacy Act*, *The Personal Health Information Act*, *The Child and Family Services Act*, *The Adoption Act* and *The Public Schools Act*.

911. Manitoba Education and Training reviews on a periodic basis its policies and procedures regarding student files and data to ensure they conform to legislation protecting a children's right to privacy.

Article 17: Access to Appropriate Information

912. Family conciliation, through Manitoba's Department of Family Services, offers a free children's program to help children between ages 8 and 12 cope with separation or divorce.

913. The Manitoba Department of Justice publishes community legal education materials, including a free booklet entitled *Family Law in Manitoba, 1999.*

914. Manitoba Education encourages the implementation of teaching approaches and the provision of learning experiences that expose students to a variety of resources. "Resource-based" education approaches stress the use of a variety of media. In addition, access to and the appropriate use of technology in the classroom is a priority in Manitoba. Additional resources have been put into the educational system over a number of years to assist schools in ensuring all students in the province have an adequate access to technology and that technology education is an important component of all subject area experiences. The support ranges from additional funding for the wiring of schools to pilot projects in computer-guided instruction.

915. Manitoba's commitment to develop curricula that is more inclusive recognizes that students need to become more aware and appreciative of all aspects of human diversity. In addition to its policy on multi cultural education (1992), it made a commitment in the 1995 *A Foundation for Excellence* document to develop new curricula through a multi cultural "lens" that emphasizes the portrayal of human diversity and perspectives in the curricula. This is especially true of the English Language Arts curricula being implemented and the Social Studies curricula currently under development.

916. The importance of media literacy is recognized by Manitoba Education and Training. For example, general outcome 2 of the English Language Arts curricula is "students will listen, speak, read, write, view and represent to comprehend and respond personally and critically to oral, literary and media texts." Through Manitoba's learning resources reviews, the Instructional Resource Unit, and the Manitoba Textbook Bureau a variety of initiatives seek to ensure that students and teachers have access to current and appropriate resources drawn from a broad-cross section of national and international publishers.

Family Environment and Alternative Care

Article 19: Protection from Abuse and Neglect

917. Teachers are required to report any cases of suspected abuse or neglect of children by staff, parents or other care givers. Initiatives have also been undertaken to assist schools in developing policies and practices dealing with violence, such as non-violent conflict intervention strategies. From 1994-1998, Manitoba Education and Training provided the services of a Violence-Prevention Specialist that worked with schools developing violence prevention programs and strategies and assisted in the professional development of school teams.

Article 21: Adoption

918. In addition to the provisions previously referenced in *The Child and Family Services Act*, Manitoba has now enacted *The Adoption Act*. Introduced in 1999, the purpose of the new Act is to provide new and permanent family ties through adoption, giving paramount consideration in every respect to the child's best interests. Both agency and non-agency adoption are based on the

best interests test and must be according to criteria and procedures set out in legislation and policy. The same criteria and procedures also apply to inter-country adoption where applicable or enforceable.

919. Manitoba has recognized through legislation such as *The Adoption Act*, and through administrative standards, the right of Aboriginal children to be placed with extended family and in communities of origin where these are in the best interests of the child. Priority has been given in legislation to placing Manitoba children for adoption in Manitoba. Manitoba also strongly supports *The Hague Convention on Inter-Country Adoption*.

920. Manitoba's Department of Family Services offers a free parent education program, *For the Sake of the Children*, focusing on child-related issues at the time of separation and divorce. The program consists of 2 three-hour seminars. Material covered includes new partner issues, communications between parents, communications with children and the effect of conflict on children. As well, legal and economic material is covered. The program aims to help parents and their children cope with the impact of separation and divorce.

Basic Health and Welfare

Articles 6, 24 and 27: Survival and Development, Standard of Living

921. On June 1, 1998, amendments and a Regulation to *The Family Maintenance Act* came into force establishing a Child Support Guideline system for determining the quantum of child support. The Guidelines are aimed at ensuring that support orders are predictable and reasonable in light of the supporting parents' financial circumstances.

922. Significant amendments have been made to the portions of *The Family Maintenance Act* governing Manitoba's Maintenance Enforcement Program's operation. New maintenance enforcement mechanisms include the ability to suspend a defaulting payor's driver's license privileges, increased periods of incarceration and fines for maintenance payment default, reporting defaulting creditors to the Credit Bureau, increased ability to garnish funds owing to a defaulting payor and the ability to garnish pension benefits' credits. There have also been computer and other system enhancements to improve the efficiency and effectiveness of the Maintenance Enforcement Program in collecting child and spousal support.

923. October 27, 1999, a new *Mental Health Act* was proclaimed. Section 2 provides that in the absence of evidence to the contrary, a person shall be presumed to be mentally competent to make medical treatment decisions and to consent to treatment for the purposes of *The Mental Health Act* (which deals with treatment in psychiatric facilities) if the person is 16 years of age or older, rather than the age of majority.

Article 18, Para 3: Child Care and Health Care Services and Facilities

924. Manitoba's licensed child care system has expanded since the legislation was enacted in 1983. Between 1994/95 and 1998/99 actual expenditures have increased approximately

20 percent. The number of licensed spaces has increased from 18,886 in 1994/95 to 21,369 in 1998/99. As of March 31, 1999, there were 522 day-care centres with 17,729 spaces plus 544 family day-care homes with 3,646 spaces.

Article 23: Disabled Children

925. Special funding is provided to support educational programming of children with special needs. Schools are required to ensure that individual or personal educational plans are developed and implemented in a collaborative process that respects the rights of the parents and of children. Inclusive educational practices are favoured that ensure the access of all children to adequate public education facilities and programming. Specialized supports are provided for blind and hard of hearing children for material development and other services. Manitoba Education and Training operates the Manitoba School for the Deaf for parents and children that prefer that form of programming and learning environment.

926. In an effort to improve its educational policies and practices for special needs education, *the Manitoba Special Education Review* was announced in 1995 and the external reviewers published their final report in December of 1998. The report has been broadly disseminated in the educational system. The Minister of Education has made a commitment to implement the cost-neutral recommendations immediately, and to consider and respond to other recommendations over time.

927. A variety of other initiatives and supports are provided for in the educational system that respond to the needs of diverse children. These range from the provision of speech-language pathologists and specialist clinicians to funding support for programming for emotional and behaviourial disorders in classroom-based initiatives such as *Success for All Learners* (1996). *Success for All Learners* is an initiative intended to assist teachers in identifying and implementing teaching strategies and approaches that respond to the diversity of learners in classrooms and their needs. Differentiated instruction ensures that classrooms are more welcoming of student diversity.

928. Manitoba recognizes the need for a centralized unified intake system for diagnosis and referral so that high quality initial assessments can be done.

Article 26: Social Security

929. Under the authority of *The Employment and Income Assistance Act* people in financial need in Manitoba are provided with those things and services that are essential to health and well-being, including a basic living allowance for shelter, essential health services, and a funeral upon death. The Act and Regulation specify the test for financial need and set out the rights and obligations of applicants and recipients. The assistance programs are delivered by the Government of Manitoba, as well as municipalities outside the City of Winnipeg, according to the terms set out in the legislation. In total, the Government of Manitoba and the municipalities spent approximately $328.7 million in assistance costs provided to 36,850 families including

28,285 children in 1998/99. This is down from 1994/95 when Manitoba and the municipalities spent approximately $372 million serving 48,169 families including 31,872 children.

930. The *Social Services Administration Act* provides authority for the Child-Related Income Supplement Program. This Program provides for supplemental financial assistance for the cost of raising children to working families. This Program is administered by the Government of Manitoba and served 1,888 families, including 4,006 children at a cost of $1.4 million in 1998/99. In 1994/95, this program served 6,526 families, including 14,699 children, at a cost of $5 million.

Education, Leisure and Cultural Activities

Articles 28 and 29: Education, Aims of Education, etc.

931. While Manitoba's public education system is committed to ensuring equality of access and opportunity for quality education for all learners, there is recognition that certain groups of children face systemic barriers or require specific interventions to ensure equity (also note response to Article 23). In that light, Manitoba Education and Training has developed and is implementing a special initiative, *Aboriginal Education and Training Strategy* (1998), which is intended to improve the graduation rates of Aboriginal students and to ensure their full participation and representation in the workplace and in post-secondary education and training. The Native Education Directorate, formed in 1998, plays an important role in co-ordinating this initiative as well as in the general policy development and implementation activities of the Department.

932. In 1995, Manitoba made a commitment to make a curriculum more inclusive in the previously mentioned document, *A Foundation for Excellence*. Part of that commitment was to make all provincial curriculum reflective of Aboriginal perspectives and experiences for the benefit of all children. In addition, specific teacher support documents have been developed to assist teachers in integrating Aboriginal perspectives. A series of curriculum support documents on native students (K-4, 5-8 and Senior 1-4) have been developed by a team of Aboriginal educators and distributed to all schools in the province. A new project is underway that seeks to develop a specific conceptual framework and approach to integrating Aboriginal perspectives that will guide Department staff and resource people in curriculum development and implementation-related activities. Finally, Manitoba has participated in a Western Canadian Protocol initiative to develop a *Common Curriculum Framework for Aboriginal Languages and Cultures*. This Framework will provide a common basis for developing a new curricula for Aboriginal languages and cultures by the ministry or at the local level.

933. Manitoba was one of the first provinces to embrace a multi cultural education approach and to develop a formal policy on multi cultural education (see Article 2). While English and French are the official languages of instruction, provisions have been made to provide for instructions in Heritage/International languages, including bilingual programming (German-English, Hebrew-English and Ukrainian-English). The Heritage Language Support Grant provides, on an annual basis, additional support for the purchasing of learning resources or other

programming elements. Courses or programming in Aboriginal languages in the public schools are also eligible for this support. Under the Special Language Credit Option, students are able to challenge for Senior Years Credits for proficiency in a heritage or international language. Each year, students are successful in obtaining credits in over 50 different languages, including several Aboriginal languages. English as a Second Language support is available for newcomers to Manitoba or for Canadian citizens whose primary language is not English, including children in Hutterian schools. Each year, approximately 1,400 to 1,800 students are eligible for support. In 1996, changes were introduced to the Senior Years (secondary or high schools) program that provides teachers greater flexibility in adapting provincial curricula for ESL purposes and allowing students to obtain Senior Years credits (ESL or "E" designated courses). A number of supports exist within Manitoba Education and Training for French language education and training. There are parallel structures in the Department which provide for policy development, curriculum development and implementation, and other school programming activities. The Division Scolaire Franco-Manitobaine, a school division that encompasses all French schools in the province, was established in 1996.

934. Manitoba also recognizes that there is a need to combine economic and non-economic strategies to address the issue of children living in poverty.

Special Protection Measures

Article 30: Children Belonging to a Minority or an Indigenous Group

935. Ongoing issues in the delivery of Aboriginal Child and Family Services include the governance of First Nations agencies, services to status Indians off reserve, services to non-status Indians and Metis, and services to Aboriginal children in urban settings. There continues to be a disproportionate number of Aboriginal children receiving services or in the care of agencies. Anecdotal estimates are that 49.7 percent of Manitobans served by Child and Family Services agencies are aboriginal.

Articles 31 and 33: Leisure, Recreation and Cultural Activities, and Drug Abuse

936. A new curriculum is being developed for Physical Education and Health that emphasizes lifelong learning and the development of healthy lifestyles. Dance and other elements of the arts are incorporated into the curriculum. Physical Education is a compulsory subject for all children from Kindergarten through Senior 2 (Grade 10). Issues relating to sexuality, drug abuse and other addictions, and other aspects of the general health and well-being of students are explored in the curriculum.

937. The Arts are an integral part of the school curriculum and compulsory until Grade 8.

Article 34: Sexual Exploitation and Sexual Abuse

938. In 1996, amendments to Manitoba's provincial legislation were passed to further strengthen and clarify provisions relating to the reporting and investigation of child abuse cases.

In 1999, a number of changes were introduced to *The Child and Family Services Act* to enhance the protection and investigation functions.

Article 35: Sale Trafficking and Abduction

939. *The Child Custody Enforcement Act* implements *The Hague Convention on Civil Aspects of International Child Abduction* and provides civil means by which to enforce custody or access rights, and to prevent or remedy a child abduction situation.

940. *The Hague Convention on the Protection of Children and Cooperation in Respect of Inter-Country Adoption* became law in Manitoba on April 1, 1997, being implemented through the *Inter-Country Adoption* (*Hague Convention) Act*. Within the Court of Queen's Bench (Family Division), a case management pilot project commenced in 1995. Under this program, new separation and divorce cases are randomly selected each month to be managed and expedited through the justice system to reduce unnecessary delay and expense by promoting early and fair settlements.

General Information

941. Family conciliation, within the Department of Family Services, offers free mediation services to parents and others regarding child custody and child access issues.

942. *The Domestic Violence and Stalking Prevention, Protection and Compensation Act* came into force on September 30, 1999. It provides persons subjected to stalking and domestic violence with the ability to seek a wide range of civil remedies to address their individual needs. Persons can apply for orders of protection on behalf of a minor (or mentally incompetent individual) who is being stalked or subjected to domestic violence. The Act creates 2 different types of orders: Protection Orders, obtained from a designated Justice of the Peace of the Provincial Court of Manitoba, and Prevention Orders, obtained from the Court of Queen's Bench.

ONTARIO

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943. The following is an update to Ontario's First Report on the *Convention on the Rights of the Child*. This report covers the period from January 1993 to December 1997.

Introduction

944. Children are a priority for this government. In 1997, for the first time, the government appointed a Minister Responsible for Children and established a Children's Secretariat. The Minister is an advocate, advisor and "voice" for Ontario's children. With the assistance of the Secretariat, the Minister assesses the effects of current and new government policy on children

and promotes a co-ordinated approach to policy/program planning and service delivery for children and families.

945. In 1997, the government established the Office of Integrated Services for Children, which has as its purpose the design and implementation of strategies for the integration of service delivery for children and families at risk.

946. Ontario has taken a number of steps to promote the health, protection and education of children, including the following:

- The government undertook a comprehensive reform of Ontario's child protection system to ensure that the best interests of children come first. Reforms included amendments to the *Child and Family Services Act* to provide stronger tools for the courts, professionals and front-line workers to do their jobs; and a new approach to funding children's aid societies that better reflects workload and service needs.
- The mandatory Healthy Babies Healthy Children program was launched in 1997 as part of the Province's commitment to healthy child development and to developing an integrated system of effective services for families and young children. The funding provides prenatal and universal screening at birth and universal postpartum follow up within 48 hours by Public Health Nurses with the offer of a home visit. Information and support for healthy child development are provided at birth and through the early years with screening available for children 18 months to 3 years. Families are linked to community services and for those requiring additional supports, home visiting and service coordination are provided.

Definition of a Child

947. Minimum age requirements are maintained in certain areas to protect children from harm or abuse. These areas include driving, purchasing alcohol and tobacco, admission to adult entertainment facilities, purchasing or using a weapon, the age of consent and the legal working age.

General Principles

Non-discrimination (Article 2)

948. The Ontario *Human Rights Code* protects children from discrimination because of race, ancestry, and place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, family status or handicap. A special provision protects 16 and 17 year olds from discrimination in seeking accommodation if they have withdrawn from parental control.

949. In accordance with subsection 2 of Article 2, the Code protects against discrimination because of a relationship with a person or persons identified by a prohibited ground of discrimination. This would include a child's parents, legal guardians or family members.

Best interests of the child (Article 3)

950. The Revised Standards for Investigation and Management of Child Abuse Cases (described in paragraph 696 of the First Report) were revised to include all child protection cases. These standards provide direction to Children's Aid Societies in Ontario. These authorities are also required to use a new standardized Risk Assessment Model.

951. The Ministry of Education developed a Violence Free Schools Policy (1994), which requires schools to work towards ensuring that the school environment is physically and socially safe, and that achievement and wellness are fostered for all students.

Right to life, survival and development (Article 6)
Respect for views of the child (Article 12)

952. The Office of the Chief Coroner has established the Pediatric Review Committee to monitor the deaths of children where there are questions regarding possible criminal activity or the quality of medical or life care received.

953. The *Health Care Consent Act, 1996* (replacing the *Consent to Treatment Act, 1992*), establishes the right of people in Ontario to make informed decisions about their own health treatment and admission to regulated care facilities, if mentally capable of doing so, regardless of age. The rights of children under the age of 16 with respect to admission to secure treatment facilities or administration of psychotropic drugs are outlined in the *Child and Family Services Act*.

954. Regulation 461/97 under the *Education Act* ensures that students have an opportunity to influence decisions that affect them by stipulating that every school board has one (or more) pupil representatives.

955. Under the *Ministry of Correctional Services Act*, a young person in custody has the right to express views on significant decisions, including changes to their individualized Plan of Care, medical treatment, education, religion, training or work programs and transfer to another place of detention or custody.

956. Children may make complaints of discrimination and harassment to the Ontario Human Rights Commission through an appropriate representative.

Civil Rights and Freedoms

Freedom of thought, conscience and religion (Article 14)

957. Under the *Ministry of Correctional Services Act*, young persons in custody have the right to receive religious instruction and participate in religious activities of their choice, subject to any rights that parents may have to direct the young person's religious upbringing.

958. The *Human Rights Code* prohibits discrimination against children on the basis of creed. Children cannot be forced to accept or comply with religious beliefs or practices and measures may be required to facilitate the practice of religious observances.

Protection of privacy (Article 16)

959. The *Ministry of Correctional Services Act* provides a young person in custody the right to reasonable privacy, including the right to have possession of personal property, to send and receive private mail subject to a limited number of public safety or security concerns, and to speak in reasonable privacy with visitors.

Access to appropriate information (Article 17)

960. Ontario's public libraries continue to support a child's right to seek and receive information and ideas in a broad range of formats, including materials, programs, services and personalized staff assistance. There is no membership fee for any of Ontario's public libraries. A wide range of publishers, including publishers of children's books, was made eligible for support from the government through a provincial tax credit announced in May 1997.

961. The government continued to fund cultural agencies such as TVOntario and the Ontario Film Development Corporation to encourage and support the distribution of information and materials of social and cultural benefit to all Ontarians, including children.

962. A number of educational initiatives co-ordinated through the Ontario Women's Directorate focused on youth, including:

- a sexual assault prevention campaign;
- videos designed to prevent sexual harassment and other violence-related activities in the classroom and in relationships;
- priority funding to not-for-profit organizations to support innovative projects that prevent violence against women and their children, promote the economic self-sufficiency of women and girls, and facilitate the transition from crisis to economic independence;
- funding to women's centres;
- development of a guide to government programs and services for women and girls.

Family Environment and Alternative Care

Parental guidance (Article 5)

963. The *Ministry of Correctional Services Act* permits parents of children in custody to retain the rights they may have to make decisions regarding their children's education, religious upbringing and medical treatment.

964. The *Education Act* requires that school boards establish school councils in the schools in their jurisdiction. According to ministry policy, their role is to provide advice to principals and

boards on a wide range of issues including school environment, codes of student behaviour and other local priorities. The ministry policy requires that parents form the majority membership of school councils.

Parental responsibilities (Article 18)

965. The government continued to support prevention and early intervention services that promote healthy child development. These include universal screening at birth for risk and home visiting services, community development programs, homemaker services through Children's Aid Societies, counseling services, child nutrition programs, supports to teen mothers, intensive early intervention services for children with autism and preschool speech and language programs.

966. New mediation and positive parenting programs in the family courts assist separating or divorcing parents to focus on the best interests of their children.

Separation from parents (Article 9)

967. Where parents live separately, the parent without custody continued to be entitled to visiting rights unless a court order or private agreement provides otherwise. Judicial determinations of visiting rights are based on the best interests of the child.

968. The *Children's Law Reform Act* provides for supervision of custody or access where appropriate. The Supervised Access Program of the Ministry of the Attorney General funded 15 not-for-profit centres providing a safe, neutral, child-focused environment for supervised visits and exchanges between a child and a non-custodial family member.

969. Ontario proposed new family court rules which will give child protection cases priority, to ensure that all children are given safe, secure, permanent care as soon as possible.

Recovery of maintenance for the child (Article 27)

970. The *Family Responsibility and Support Arrears Enforcement Act, 1996* has replaced the *Family Support Plan Act*. In addition to the automatic deduction of support from payor's wages, enforcement measures included reporting defaulting payors to credit bureaus, suspending drivers' licenses and intercepting lottery winnings of defaulting payors.

971. A regime for agreements to reciprocally enforce support orders continued to exist under the *Reciprocal Enforcement of Support Orders Act*. At present, Ontario has agreements with all other provinces, 40 American states and 30 other jurisdictions.

Abuse and neglect (Article 19)
Recovery and reintegration (Article 39)

972. Since 1994, about $100 million has been spent annually to support programs to address and prevent violence against women and children, including:

- emergency shelters, transition and safe homes and family resource centres for abused women and their children;
- community counseling, outreach and referral services for assaulted women and their families;
- training of health professionals and service providers who support abused women and children;
- school-based services for children who witness violence, and post-secondary pilot projects to address all forms of violence against women and girls; and
- $27 million in new funding over four years for the Prevention of Violence Against Women: Agenda for Action—a framework for combating violence and providing support to abused women and their children.

973. Both adults and children who have been victims of violence or abuse benefit from the following programs funded by the Ministries of the Solicitor General and Correctional Services:

- Sexual Assault Centres, which assist women who are victims of sexual violence or past survivors of sexual abuse, and report suspected child abuse;
- Victim Crisis Assistance and Referral Services, which provide short-term assistance for victims, prior to referral to community services for longer-term support;
- Victims of Violence program, which provides female offenders (both adults and young offenders) who have been victims of violence with information on the effects of abuse and on available community resources; and
- Victim Support Line—a province-wide toll-free information line that provides a range of services in English and French to victims of crime of all ages.

974. The Ontario Provincial Police provided a range of services to address situations of violence, abuse and neglect:

- street-proofing, crime-reporting and peer resolution programs in schools;
- a Community Policing and Development Centre to help children understand and express experiences of child abuse and other forms of abuse;
- support for young parents in crisis;
- a background checks program to help social service agencies identify volunteers who may not be well-suited to work with vulnerable groups;
- a Regional Abuse Co-ordinator who assists field locations to investigate and respond to victims of abuse; and
- police training on child abuse and neglect and domestic violence through the Ontario Police College.

Periodic review of placement (Article 25)

975. Accountability concerning the treatment and conditions of confinement of young offenders in detention or custody is provided through an extensive variety of monitoring mechanisms and processes.

976. Young offenders have a number of complaint avenues available to them. For example, the *Ministry of Correctional Services Act* provides for a review process to respond to complaints by young persons in detention or custody, their parents or other persons representing them. A Custody Review Board provides young persons with a venue to review decisions regarding their detention or custody. The Office of Child and Family Service Advocacy (Advocate's Office) ensures that young offenders have access to advocacy. The Independent Investigations Unit investigates allegations of sexual impropriety by young persons in Ministry of Correctional Services' institutions and facilities.

Basic Health and Welfare

Children with disabilities (Article 23)

977. Through a new "Making Services Work for People" initiative, government is working with community groups, service agencies, volunteers, families and parents to improve Ontario's system of services for children and people with developmental disabilities. The initiative focused on better co-ordination of information, integration of services and early intervention. Each community will have to meet standard requirements to improve the way services work for people.

978. The *Substitute Decisions Act* protects those 16 years of age and older who are deemed mentally incapable in matters related to their personal care. The Act provides safeguards against undue state intervention and outlines the process whereby substitute decision-makers can be appointed if incapacity is established. The rights of children under the age of 16 with respect to admission to secure treatment facilities or the administration of psychotropic drugs are provided for in the *Child and Family Services Act*.

979. Mental health services for children and adolescents are provided through public hospitals, psychiatric hospitals, emergency departments, family service programs, community-based mental health and addictions programs, and psychiatrists and family physicians through fee for service with the Ontario Health Insurance Plan. The *Mental Health Act* protects patients in psychiatric facilities and provides for rights advisors to monitor admissions, findings of incapacity or mental incompetence.

980. Ministry of Health and Long-Term Care programs for children's mental health include the 21 public hospitals receiving funding for out-patient services, the 4 public hospitals with psychiatric inpatient units for children and/or adolescents as well as a Mental Health Centre program specific to adolescents.

981. Changes to regulations under the *Education Act* require Individual Education Plans for exceptional students. Special needs programs and support services in schools are financed from a fund protected exclusively for this purpose. This guarantees access by special needs students throughout the province to an equal level of services. Ontario continues to make investments in adaptive technology to ensure that children with disabilities have access to education and

services. Ontario maintains a system of provincial and demonstration schools that provide intensive support in a residential setting.

Health and health services (Article 24)

982. Ontario has a province-wide network of prevention and early support services for families to give children a better start in life. Since the First Report, a number of significant initiatives have been undertaken to promote the health of children and youth, including:

- a revision of the mandatory health programs and services guidelines (referred to in paragraph 794 of the First Report);
- $67 million annually for Healthy Babies, Healthy Children to improve well-being and long term prospects of all children in Ontario;
- a $20 million Preschool Speech and Language Initiative, enhancing speech and language services for children from birth to school entry. Children at risk of speech and language delays and those with communication disorders are being identified as early as possible (target age is less than 2 years) and appropriate interventions are provided;
- $5 million annually to the Better Beginnings, Better Futures program, which provides prevention services to over 5,000 high-risk families in eight economically disadvantaged communities. Programming includes home visiting, child care, drop-in centres, recreational activities, parent training and support groups and breakfast/lunch programs;
- continuation of the community Best Start program to reduce the incidence of low birth-weight (referred to in paragraph 795 of the First Report); and
- a broad range of primary care and health education services for children, youth and people of all ages offered by Community Health Centers.

983. The Ontario elementary education curriculum provides students with the knowledge and skills they need to develop, maintain and enjoy good health and well being.

984. The Ontario Human Rights Commission's policy on discrimination because of pregnancy was released in 1996.

985. The Commission has also taken steps to address the issue of female genital mutilation, raised during the United Nations' Fourth World Conference on Women in Beijing in 1995. Because of the increase in immigration to Ontario from regions where the practice persists, the Commission has been made aware that girl children from affected communities are at risk in Ontario. The Commission undertook extensive research and in 1996, released a policy on the human rights implications of the practice.

Social security and childcare services and facilities (Articles 18, 26)

986. Child care services in Ontario are a shared provincial-municipal responsibility. The Ministry of Community and Social Services sets provincial standards, while delivery of child care services is provided through 47 consolidated municipal service managers.

987. Ontario currently uses its portion of the National Child Benefit reinvestment to help fund the new Ontario Child Care Supplement for Working Families to support up to 370,000 young children in working families. Ontario municipalities are implementing their own initiatives as part of the overall Ontario National Child Benefit reinvestment strategy in ways that meet their local needs and priorities.

Standard of living (Article 27)

988. To ensure children in financial need receive more support from parents, Ontario adopted new legislation providing guidelines for the courts in awarding child support. Children continue to be a priority in the determination of what assistance is provided under Ontario's social assistance legislation. Special benefits for children include dental, drug and vision, special diet, and a back to school and winter clothing benefit.

989. Under the *Ontario Works Act, 1997* and regulations, dependent children are included as part of the benefit unit in the calculation of financial assistance for the Ontario Works applicant or participant. The Ontario Works program further provides for a range of accessible child care supports for participants who are engaged in mandatory employment assistance activities. The supports and activities are intended to maximize employment and training opportunities that will help transition parents from social assistance to paid employment and self sufficiency.

990. One such opportunity is the Learning, Earning and Parenting program (LEAP). LEAP is a targeted strategy of Ontario Works Employment Assistance designed for parents on social assistance aged 16 to 21 years of age who have not completed high school. LEAP was designed to encourage young parents on social assistance to complete high school and to develop parenting skills, which will support healthy child development.

991. The *Housing Development Act* and the *Ontario Housing Corporation Act* form the statutory basis for the building and operating of social housing units for persons and families on social assistance, or who have limited incomes. Children of such families benefit from the housing units, which were created under these statutes. Children in needy families are therefore housed, or have their housing subsidized, through the Ontario Housing Corporation (the province's public housing agency with 98,000 units) or in community-based non-profit groups that provide an additional 104,000 units of rent geared-to-income housing.

Education, Leisure and Cultural Activities

Education, vocational training and guidance (Article 28)

992. Ontario is engaged in comprehensive reform of secondary education that will include:

- greater student mobility across educational experiences;
- prior learning assessment, recognition and cross-accreditation to ensure portability of credits between programs, institutions and workplaces;

- development of a new framework for approving apprenticeship classroom training offered in colleges and private-sector training institutions;
- a new teacher-advisor program to monitor academic performance, help optimize course and student selection, and act as key school contacts for parents;
- annual education plans for all students in grades 7–12; and
- regular monitoring of guidance and career education programs.

993. Financial assistance is provided to post-secondary students through provincially- funded grants and loans.

994. The Learning Opportunities Task Force provides assistance to students with learning disabilities through pilot projects involving 13 colleges and universities.

995. The Learning, Earning and Parenting program assists single parents to complete their secondary diploma requirements and continue on to post-secondary education.

996. Assistance for students at risk of not achieving educational goals is provided through a Learning Opportunities Grant for students facing social or economic barriers. This grant funds such programs as reading recovery, counseling and summer school.

Aims of education (Article 29)

997. The Ontario curriculum incorporates the goals of education identified in Article 29 of the Convention. Students learn about Canada and the role of citizens within a democratic society and a culturally diverse and interdependent world.

998. In 1995, the Ontario Human Rights Commission, in co-operation with the Ministry of Education, released a package of materials entitled *Teaching Human Rights in Ontario*, to assist secondary school teachers in promoting respect for human rights.

999. Information about the Ontario *Human Rights Code* is available to students across Canada via the Internet on the "*SchoolNet*" service and by way of the Commission's own Web site launched in 1996.

Leisure, recreation and cultural activities (Article 31)

1000. The government has made the participation of children and youth a priority in its Amateur Sport Strategy and in its funding programs supporting the creation of recreation opportunities. The government has issued a policy position entitled "Recognition Criteria for Children's Recreation Services" that highlights the importance of recreation to healthy child development.

1001. The Ministry of Citizenship, Culture and Recreation is funding the development of quality improvement processes that allow community recreation providers to measure the age appropriateness and overall suitability of recreation programs for school age children.

Special Protection Measures

Children in situations of emergency and refugee children (Article 22)

1002. The children of qualifying non-nationals have access to the same financial and health benefits as dependent children of other social assistance recipients, including extraordinary costs related to a child's severe disability if the parent meets the income test.

Children in conflict with the law and administration of juvenile justice (Article 40)

1003. The Ontario Government has set up a Justice for Children and Youth Legal Clinic to represent to low-income children and youth facing conflicts with the legal, educational, social service or mental health systems.

1004. Child Friendly Courts specialize in cases involving child witnesses and offer support, counseling and building features that reduce the traumatic effects of having to appear in a criminal trial.

1005. The *Ontario Evidence Act* provides that a person of any age is presumed to be competent to give evidence. The Act also provides a number of protections for child-witnesses, including videotaped closed circuit television, or behind-screen testimony; support persons; and protections against personal cross-examination.

1006. The Ontario Police College trains all recruits on the *Young Offenders Act* and the rights of young persons. Police services also have special procedures for advising young persons of their rights, and for taking statements. A protocol developed by the Ministry of the Solicitor General, the Ministry of Correctional Services and the Ministry of the Attorney General ensures that young offenders are advised of their right to contact the Child Advocate with their concerns.

1007. Early intervention programs funded through the Ministry of the Solicitor General and the Ministry of Correctional Services have been designed to improve police-youth relations and provide direct interaction such as counseling, diversion, and sports activities.

Children deprived of their liberty (Article 37)

1008. Ontario's correctional system is going through an extensive change that will fundamentally alter the way in which services are delivered to inmates. These changes have been implemented with a focus on re-balancing the corrections system to reflect the rights of victims and to institute a meaningful consequence for offenders. To this end, the government is currently in the process of replacing its aging adult facilities with modern, more humane institutions. As well, a strict discipline project, aimed at reducing recidivism and specifically tailored to 16 and 17 year-old male repeat offenders, is currently underway. A structured program regimen emphasizing work skills and education has also been established throughout the young offender system.

1009. Young offenders are segregated from adult offenders wherever possible. They receive the care and services necessary to afford them the opportunity to assume responsibility for their actions. Care has been enhanced by centralized young offender assessment, treatment, classification, placement and transfer facility and the establishment of the Office of the Provincial Co-ordinator of Assessment, Placement and Transfer for the Young Offender Secure Custody System.

1010. A Case Management System ensures responsible management of young persons in custody. Rights of young offenders are set out in the *Ministry of Correctional Services Act*, and include:

- a prohibition against corporal punishment;
- meals that are well balanced, of good quality and appropriate for the young person;
- clothing that is of good quality and appropriate for the young person given the young person's size and activities and prevailing weather conditions;
- necessary medical and dental care at regular intervals and whenever required, in a community setting whenever possible;
- appropriate educational, training or work programs, in a community setting whenever possible;
- recreational and athletic activities that are appropriate for the young person's aptitudes and interests, in a community setting whenever possible;
- internal complaint and review procedures;
- participation in significant decisions affecting the young person’s care in custody;
- individualized Plans of Care to meet the individual needs of the young person in custody within a reasonable time; and
- the role/rights of parents, family or significant others of the young person’s choice.

1011. A Directive entitled *Response to Young Offenders at Risk of Suicide* prescribes procedures for the early identification and safe management of potentially suicidal young persons in custody. The procedures identified are consistent with the fundamental principles of: using the least intrusive intervention necessary to safeguard the well being of young persons; and respecting their right to be consulted on any decisions affecting them.

Children in situations of exploitation and economic exploitation (Article 32)

1012. Working students under 18 years of age are guaranteed a student minimum wage. Preliminary discussions have begun to incorporate labour-related components, such as health and safety, workers’ compensation and employment standards, into the secondary school curriculum.

Drug abuse (Article 33)

1013. The Ministry of Health funds substance abuse prevention programs designed specifically for children, youth, and young adults as well as treatment programs for both youth and young adults.

1014. The Ontario school curriculum includes a component on substance abuse.

Sexual exploitation and sexual abuse (Article 34)

1015. The school curriculum is designed to support the prevention of violence against women and child abuse, including sexual exploitation/abuse.

1016. Resources and professional development on violence against women and child abuse are available to school boards on a range of issues, including violence prevention programs; sexual harassment; violence in dating relationships; healthy relationships; violence and gender stereotyping in the media; and the impact on children who witness violence.

1017. The Ministry of Health and Long-Term Care funds specific Sexual Assault Treatment Centres for children at several hospitals. At other hospitals the Sexual Assault Treatment Centres, while not specific for children, do provide nursing and physical care and referral.

Children belonging to a minority or an indigenous group (Article 30)

1018. The Aboriginal Policy Framework, which was approved in 1996, guides Ontario's approach to the delivery of programs and services to, and its relations with, Aboriginal people.

1019. Ontario continues to work towards ensuring that Aboriginal people have better access to health services.

1020. An Aboriginal Healing and Wellness Strategy is in place to address the immediate and long-term impacts of family violence in Aboriginal communities and to improve the health status of Aboriginal people. The Strategy includes specific initiatives directed toward children and youth, including 2 youth solvent abuse treatment centers and crisis intervention teams to ensure the safety of children and youth.

1021. The Ontario Provincial Police deliver Youth Empowerment courses to enhance the self esteem of Aboriginal youth by increasing their knowledge of Aboriginal culture, health, spirituality, and contributions made by Aboriginals to society at large.

1022. Directives from the Ministry of Correctional Services ensure provincial correctional facilities provide spiritual care to Aboriginal peoples in a manner that recognizes and encourages their religious traditions, and accords Aboriginal spirituality and practices the same status and protections afforded to other religions.

1023. Education policies and programs enable Aboriginal students to enhance their cultural awareness and improve their use of Aboriginal languages through study, practice and communication. The Ministry of Education supports three alternative schools housed within Native Friendship Centres where native students at risk of dropping out of school can obtain their schooling in a culturally supportive environment. Ontario also supports 5 native post-secondary institutes, which, in co-operation with colleges of applied arts and technology and universities, offer credit courses within native communities as a bridge to post-secondary study outside the community.

1024. The Ontario Minister Responsible for Native Affairs worked with provincial and territorial leaders and Aboriginal Leaders on the development of a National Aboriginal Youth Strategy.

1025. Ontario has established 12 French-language school boards and authorities to administer French-language education throughout the province. In addition, there are 4 French-language colleges of applied arts and technology and 4 bilingual universities.

QUÉBEC

1026. The following report has been prepared using the plan proposed by the General Guidelines of the United Nations Committee on the Rights of the Child (CRC/C/58). Information in the first report which continues to be valid has not been repeated.

1027. This report reviews measures adopted by the Government of Québec in application of the *Convention on the Rights of the Child.* It updates the information contained in the first report up until December 31, 1997, focusing on the changes, particularly of a legislative and institutional nature, that have occurred to advance the implementation of the Convention in Québec, as well as on certain difficulties still to be overcome to ensure the realization of the rights guaranteed to children.

I. Measures of General Application (Article 4, 42 and 44 (6))

1028. In Québec, compliance with the *Convention on the Rights of the Child* is essentially ensured by the *Charter of Human Rights and Freedoms* (R.S.Q., c. C-12), or the Québec Charter, and the provisions of the *Civil Code of Québec* (C.C.Q.) and the *Youth Protection Act* (R.S.Q., c. P-34.1). These provisions repeat the fundamental principles of the Convention (non-discrimination, best interests of the child, respect for the opinions of children), and complement and complete the federal measures in effect throughout the country. The details of these provisions were outlined in the previous report.

1029. Formerly entrusted to the Commission de protection des droits de la jeunesse [Commission for the protection of youth rights], responsibility for ensuring respect for the rights of children in difficulty has been assumed since November 29, 1995 by the Commission des droits de la personne et des droits de la jeunesse [Human rights and youth rights commission] (S.Q. 1995, c. 27). Having also taken over the mandate of the Commission des droits de la personne [Human rights commission], the new organization has the mission of overseeing compliance with the principles set forth in the *Charter of Human Rights and Freedoms*, as well as protecting the interests of children and the specific rights they are conferred by the *Youth Protection Act.* The new Commission des droits de la personne et des droits de la jeunesse

[Human rights and youth rights commission] is therefore responsible for ensuring both promotion of and respect for the human rights of all persons, children included, through the *Charter of Human Rights and Freedoms*, and promotion of and respect for the rights of children as recognized by the *Youth Protection Act* and the *Young Offenders Act* (R.S.C. (1985), c. Y-5).

1030. The Commission des droits de la personne et des droits de la jeunesse [Human rights and youth rights commission], which operates at arm's length from the government, is invested with a series of responsibilities, which include investigations of any situation of discrimination, including that based on age; investigations of situations in which the rights of a child have been violated; recourse to the relevant legal remedies, including application to a court; and development and delivery of information and education programs concerning the rights of children. The Commission is also responsible for analysing the compliance of Québec statutes with the Québec Charter and, where applicable, making the appropriate recommendations to the government. In addition, it conducts or contributes to research on any matter within its jurisdiction.

1031. With regard to dissemination of the principles of the Convention, it should first be mentioned that one of the training sessions offered by the Commission specifically concerns the Convention, its content and its scope. Furthermore, in December 1996 the Commission organized a symposium entitled “Des enfants et des droits” [Children and rights] in conjunction with the Département des sciences juridiques [Department of Legal Sciences] of the Université du Québec à Montréal [University of Quebec at Montreal] and the Société québécoise de droit international [Quebec international law society]. This symposium addressed the legal recognition of the child as a subject of law from the human rights perspective. Numerous papers of the symposium, published in 1997 by the Presses de l’Université Laval [Laval university press], refer to the principles of the Convention.

1032. The Commission and the Human Rights Tribunal refer regularly to the principles of the Convention and to its relevant provisions, and to other principles of international law applicable to children.

II. Definition of the Child (Article 1)

1033. The *Civil Code of Québec*, which contains a series of provisions related to the rights of minors, continues to set the age of majority at 18 years (Article 153 C.C.Q.).

1034. As mentioned in the first report, there is no minimum age limit for admission to employment in Québec, except for certain specific kinds of employment or vocations. However, in the course of its work on Bill 172 of 1997, one of the purposes of which was to prohibit night work by children aged 16 and under, the Parliamentary Commission on the Economy and Labour decided to examine in depth the whole issue of child labour in Québec. A working committee was therefore created in order to produce a discussion paper on this issue and present recommendations to the Parliamentary Commission on the Economy and Labour.

1035. Since 1996, the *Highway Safety Code* (R.S.Q., c. C-24.2) has imposed on licensed drivers under the age of 25, including those between the ages of 16 and 18, conditions that are more restrictive than for other drivers. Persons in this age group are subject to a two-year probationary period, one of the conditions of which is a ban on driving a vehicle after consuming any amount of alcohol.

III. General Principles

A. Non-discrimination (Article 2)

1036. Like anyone else, children may invoke the protection offered by the *Charter of Human Rights and Freedoms* against discrimination based on race, colour, sex, pregnancy, sexual orientation, civil status, age (except as provided by law), religion, political convictions, language, ethnic or national origin, social condition, a handicap or use of any means to palliate a handicap.

1037. On various occasions the courts have sanctioned discriminatory violations of the rights of children. In 1995, the Human Rights Tribunal declared illegal a restaurant policy excluding all children under the age of 4 on the pretext that the presence of young children was disturbing to certain customers (*Commission des droits de la personne du Québec c. Bizouarn [Quebec human rights commission v. Bizouarn],* J.E. 96-144 (T.D.P.Q.)). In 1997, a 13-year-old Haitian boy and his mother brought a successful suit for damages against a neighbour who had made racist and insulting remarks about the child (*Commission des droits de la personne et des droits de la jeunesse c. Cyr [Human rights and youth rights commission v. Cyr],* J.E. 97-1562 (T.D.P.Q.)). The defendant was sentenced to pay the complainant and his mother the respective amounts of $1,000 and $500 as "moral" damages.

1038. During the period with which this report is concerned, numerous investigations of the Commission des droits de la personne et des droits de la jeunesse [Human rights and youth rights commission] dealt with discrimination in housing based on age or the presence of children. In a major decision in 1997, the Court of Appeal of Québec affirmed the discriminatory character of such situations, even when they result from a housing policy that in theory is neutral (*Desroches c. Commission des droits de la personne et des droits de la jeunesse [Desroches v. Human rights and youth rights commission]*, [1997] R.J.Q. 1540, confirming (1994) 19 C.H.R.R. D/220 (T.D.P.Q.)).

1039. In addition, certain situations involving children's right to equality have led the Commission to adopt certain positions of principle. It notably declared in an opinion of May 1995 that to exclude a child from a day-care service on the sole grounds that he tests positive for HIV/AIDS constitutes discrimination based on a handicap. According to this opinion, any limitation on the child's right to receive day-care services must be based on the presence of a risk of transmission, which is to be assessed by the referring physician in conjunction with the public authorities based on the state of health or behaviour of the child afflicted by a disease transmissible by blood.

1040. Finally, as explained in the section of this report dealing with the health and welfare of disabled children, there has been progress since 1992 in the integration into regular classes of children with a physical or mental impairment.

B. Best interests of the child (Article 3)

1041. Article 33 of the *Civil Code of Québec* provides that decisions concerning a child are to be taken in light of the child's interests and the respect of his rights. This obligation applies not only to judicial decisions but also private decisions (made by parents, guardians, teachers, social workers etc.) and administrative decisions (made by child-care services, schools, school boards, establishments etc.). In each case the child's interests must be assessed, taking account of his or her moral, intellectual, emotional and physical needs, age, state of health, character and family environment, as well as all the other aspects of the child's situation. All of these factors have to be taken into consideration. One cannot be used to the detriment of the others.

1042. In the fall of 1996, the Government of Québec announced its intention to review all family support programs so as to introduce new provisions that were more consistent, simple and responsive to the needs of today's families.

1043. These efforts culminated on June 19, 1997 in the passage and sanction by the Government of Québec of the *Act respecting the Ministry of the Family and the Child and amending the Act respecting Child Day Care* (S.Q. 1997, c. 58). This new department is the result of the merger of the Secretariat for Family Affairs and the Office des services de garde à l'enfance [Office of child care services]. Under this Act, the Minister of Child and Family Welfare has the mission of raising awareness of the importance of child and family welfare and providing families and children with the means to achieve their full potential. In particular, he ensures that society places more emphasis on child and family welfare. He provides parents with the support they need to meet their responsibilities fully and to protect their relationship with their children. He takes into consideration the diversity of family models and focuses primarily on the needs of children.

1044. In creating the Ministère de la Famille et de l'Enfance [Department of child and family welfare], Québec has put in place means of implementing the new orientations of the family welfare policy. In summary, the family welfare policy revises the family allowance provisions, institutes full-time kindergarten for children five years of age, assures educational child-care services for young children at minimal cost to the parents, and sets forth the government's intention to create a Québec parental insurance plan. These new provisions require the Ministère de la Famille et de l'Enfance [Department of child and family welfare] to play an active role in dialogue among the various partners in the public or parapublic, community and union sectors. Such dialogue will serve in particular to identify implementation difficulties and to make the adjustments necessary to ensure that the policy is successful.

1045. The new provisions are designed to achieve three major objectives which centre on the principle that it is the parents who are primarily responsible for meeting the needs of their children. These objectives are as follows:

- ensure equity through universal support for families and increased assistance for low-income families;
- facilitate the reconciliation of parental and occupational responsibilities; and
- foster child development and equality of opportunity.

1046. The supply of educational child-care services at minimal cost to the parents is having a considerable impact on the child-care services network as it used to exist. In order that the transformation of the network may take place smoothly with all the players concerned and that services may be better adapted to parents' needs, particularly in light of current labour market conditions, the Ministère de la Famille et de l'Enfance [Department of child and family welfare] offers support to non-governmental organizations that provide child-care services.

C. Right to life, survival and development (Article 6)

1047. The right to life and to personal security, inviolability and freedom is recognized in Québec by certain provisions of the *Civil Code of Québec* and the *Charter of Human Rights and Freedoms*, as detailed in the previous report.

1048. Furthermore, numerous provisions of the *Act respecting Labour Standards* (R.S.Q., c. N-1.1) pertain to leave for family events: birth or adoption of a child (5 days, 2 of which are paid if the employee can prove 60 days' continuous service), obligations related to the child's care, health or education (5 days), maternity (18 weeks), and parental leave (52 weeks).

D. Respect for the opinions of children (Article 12)

1049. A new provision of the *Youth Protection Act* insists on the necessity "of giving the child and the child's parents an opportunity to present their points of view, express their concerns and be heard at the appropriate time during the intervention" (para. 2.4(4)).

1050. With regard to the right to counsel, section 34 of the *Charter of Human Rights and Freedoms* provides that: "Every person has a right to be represented by an advocate or to be assisted by one before any tribunal."

1051. In addition, a 1997 amendment to the *Regulation respecting Legal Aid* maintains the right to representation by counsel of children subject to the *Young Offenders Act*. Henceforth, only the income and value of the liquidities of the minor are to be taken into consideration for purposes of financial eligibility when the child requires legal aid for proceedings under the *Youth Protection Act* or the *Young Offenders Act*. For any other case or recourse, the income and value of the liquidities of the parents or the person who has custody of the child are also taken into consideration, except if the interests of the child are opposed to those of the adult in question (s. 7 of the *Regulation respecting Legal Aid*).

1052. In 1990, the Commission des droits de la personne et des droits de la jeunesse [Human rights and youth rights commission] intervened before the Superior Court to secure recognition of the right of a child under 14 to apply to the court under section 74.2 of the *Youth Protection*

Act when the child disagrees with the decision of the director of youth protection as to the directing of the child. In 1993, the Court of Appeal of Québec confirmed the Superior Court's decision allowing the child's petition. At the time it cited the principle whereby decisions made under the *Youth Protection Act* must be "in the interest of the child and respect his rights", with particular emphasis on the right to receive the fullest possible information, the right to be heard, and respect for his legal rights (*Protection de la jeunesse-644 [Youth protection-644]*, [1994] R.J.Q. 2511).

1053. It is interesting to note that a significant number of the complaints processed by the Commission in the area of youth protection or juvenile justice are filed by the child himself or his advocate. The following table breaks down the petitions for intervention processed, according to the applicant's identity:

Applicants	*1993*	*1994*	*1995*	*1996*	*1997*
Parents	37%	38.5%	33.2%	35%	38%
Children	8%	16.8%	22.1%	31.5%	24%
Families or neighbours	13%	8%	11.8%	8.8%	9%
Child's advocate	---	5.8%	5.8%	3.2%	7%
Other advocates or judges	21%[2]	6.5%	4.6%	3.8%	7%
Youth Centre workers	---	7.2%	5.5%	5.2%	7%
Other social workers	5%[3]	---	4.8%	4.6%	2%
School	---	---	1.8%	1.2%	1%
Other	7%	7.2%	5.1%	2.8%	2%
Commission initiative	9%	10.0%	5.3%	3.8%	3%

1054. In 1995, the Commission de protection des droits de la jeunesse [Commission for the protection of youth rights] made certain recommendations to the Comité du Barreau du Québec

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[2] The 1993-1994 report did not distinguish between the child's advocate and other advocates, and did not refer to judges.

[3] The 1993-1994 report did not distinguish between the various social workers, whom it identified generally as "resources of the establishments".

[Quebec bar committee] concerning the representation of children by counsel. These recommendations were designed to bring about more appropriate representation of children before the Youth Division. Many of them were adopted by the Committee, the most important being those concerning the independence of the attorney, definition of his role, the application of codes of ethics, and creation of a specialized ethical authority.

IV. Civil Rights and Freedoms (Article 7, 8, 13-17 and 37(a))

D. Freedom of thought, conscience and religion (Article 14)

1055. In Québec, freedom of thought, conscience and religion continues to be protected by the *Charter of Human Rights and Freedoms*. Following the expulsion of a girl from a public school for wearing the Islamic shawl, the Commission des droits de la personne et des droits de la jeunesse [Human rights and youth rights commission] produced a discussion paper in 1995 called "Le pluralisme religieux au Québec : un défi d'éthique sociale" [Religious Pluralism in Québec: A Challenge of Social Ethics], where it advocates a societal debate on the accommodation of religious freedom in certain social contexts, including schools. The Commission regards the ban on the *hijab* in public school as discrimination based on religion. Schools are therefore obliged to accommodate students who wear the *hijab*, unless reasons of security or public order justify a restriction on that right. To shed some light on the issue, the Ministère de l'Éducation [Department of education] produced a guide on religious diversity. In addition, the Conseil du statut de la femme [Council on the status of women] published a research paper, "Cultural and Religious Diversity: A Study of the Stakes for Women", and an opinion, "Droits des femmes et diversité" [Diversity and women's rights], which were widely distributed in 1997.

F. Protection of privacy (Article 16)

1056. As outlined in the previous report, the protection of privacy in Québec is ensured by certain provisions of the *Charter of Human Rights and Freedoms*, the *Civil Code of Québec*, the *Act respecting Access to Documents held by Public Bodies and the Protection of Personal Information* (R.S.Q., c. A-2.1), the *Act respecting the Protection of Personal Information in the Private Sector* (R.S.Q., c. P-39.1), the *Act respecting Health Services and Social Services* (R.S.Q., c. S-4.2) and the *Youth Protection Act*. Section 9 of the latter recognizes the right of a child placed in a foster family or rehabilitation centre to communicate in full confidentiality with any person. Based among other things on the child's right to privacy, the provision stipulates, however, that the right to communication or its confidentiality may be limited by the tribunal or the executive director of an institution if certain conditions apply.

G. Access to appropriate information (Article 17)

1057. With regard to access to appropriate information, Télé-Québec, the public television channel in Québec, offers educational and cultural programming for children. Télé-Québec has acknowledged expertise in producing programs targeted to children which ban all forms of violence and strive to promote tolerance and respect for difference, while promoting the psychosocial development of children.

1058. For example, the program schedule for fall 1998 will reserve for the youth audience the period between 4 p.m. and 6:30 p.m. each weekday, a period of 90 minutes in the morning from Monday to Friday, and a period of 60 minutes on Saturdays and Sundays. In total, then, Télé-Québec will allocate 27 hours per week to youth programming.

1059. The Commission des droits de la personne et des droits de la jeunesse [Human rights and youth rights commission] has also collaborated in the production of a series of booklets for children, entitled "Abus et négligence" [Abuse and negligence], "Enlèvement" [Abduction], and "Abus sexuel" [Sexual abuse]. These three publications, written by child development specialist Joy Berry and published in 1996 by Jean-Paul Saint Michel, are designed to protect children from the dangers of abuse and neglect, kidnaping and sexual abuse by informing them of the safety measures they can employ.

V. Family Environment and Protection from Removal (Article 5, 18(1) and (2), 9-11, 19-21, 25, 27(4) and 39)

B. Responsibilities of parents (Article 18 (1) and (2))

1060. Article 600 of the *Civil Code of Québec* provides that the father and mother exercise parental authority together, and article 599 adds that they have the rights and duties of custody, supervision and education of their children.

1061. Parental authority is public in nature: that is, those who hold parental authority may not transfer it to other persons via private agreements. Only the exercise of certain rights and duties of parental authority (custody, supervision, education) can be delegated. Parental authority may be transferred only to the extent and on the terms and conditions prescribed in the *Youth Protection Act*. Parental authority is also limited in its scope and duration. It progressively decreases as the minor child comes to exercise his or her rights and responsibilities, and ceases, in principle, at the age of majority. It should be noted that this authority is not absolute, as the rights and duties of parents are limited by law.

1062. One must also note the growing popularity, especially in small remote communities, of formulas for management by the child's family and the other families of the community of a dispute caused by an offence. The *Youth Protection Act* provides for the necessity of considering the characteristics of cultural communities and Aboriginal communities when measures are imposed on the child and the child's parents.

1063. In Québec, nearly two thirds of mothers whose youngest child is under three years of age are employed. In 70 percent of two-parent families with young children, both spouses work. In such a context, reconciling family and occupational responsibilities is a major social issue. Greater participation by men in the organization of family life and greater availability of fathers for their young children have been encouraged. As part of the second family policy action plan

1992-1994, the Secretariat for Family Affairs and the Ministère de la Santé et des Services sociaux [Department of health and social services] have made an effort to promote closer relations between fathers and children by publishing a brochure entitled "Être père : La belle aventure!" [Fatherhood, what an adventure!], which has been distributed in several thousand copies.

1064. Furthermore, Québec society has decided to acquire more accessible day-care services that are better able to support parents in their tasks of child raising and development. In 1995 there were some 960,000 families in Québec, containing over 1.6 million children. About 85 percent of these families had one or two children, and 27 percent of children lived in a large family (three children or more). The number of single-parent families in Québec has risen over the past 35 years, and now accounts for 20 percent of all families; blended families represent 10 percent of all Québec families. These changes in family structure and composition are generating new needs. The increase in the number of children living in a single-parent family, which is characterized by lower labour force activity and higher poverty, is putting pressure on the demand for day-care spaces. For a single parent, educational day care to ensure the welfare of children is a response to various needs: it compensates for the inadequacy of educational resources, contributes to the social and occupational integration of the parent, or simply provides the parent with some respite.

1065. We note that the 1991 and 1996 census statistics indicate a slight decline in the number of single-parent Aboriginal families, from 7,740 to 7,270.

C. Separation from parents (Article 9)

1066. In 1997, the Québec Ministère de la Justice [Department of justice] introduced a mandatory family mediation system that is free of charge and applies to all spouses with children. The interests of the children are particularly to the fore in this process, since the matters that have to be resolved during the mediation include custody, visiting and outing rights, and the amount of child support to be granted.

F. Recovery of child maintenance (Article 27(4))

1067. In 1995 the Québec Parliament introduced a universal system for the automatic collection of support under the *Act to Facilitate the Payment of Support* (S.Q. 1995, c. 18). Whereas previously government authorities would intervene only to recover amounts not paid when due, it is now the responsibility of the government, with certain exceptions, to collect the support from the payor, notably via deductions from pay and other compensation, ensuring at the same time that this support is paid twice monthly to the creditor.

1068. This system is designed to ensure that any person entitled to receive maintenance is financially secure. It is primarily children who benefit from this measure, since they are the recipients of the majority of support payments.

G. Children deprived of their family environment (Article 20)

1069. The principle of maintaining children in their family environment which is set forth in the *Youth Protection Act*, derives from the Québec Charter, particularly section 39 (right to protection, security and attention), and certain provisions of the *Civil Code of Québec* pertaining to parental responsibility. In other words, the direct availability of the parents for their child is the primary condition facilitating the exercise of their responsibilities toward him or her. The nature and conditions of that availability are adjusted to circumstances as the child grows older and matures, even extending beyond the age of majority. This general rule applies under the *Youth Protection Act*, as long as it respects the interests of the child.

1070. Children deprived of their family environment are conferred a series of rights, which are particularly articulated in sections 4 to 11.2 of the *Youth Protection Act*. Violation of these rights may be the subject of recourse to various authorities. The Commission des droits de la personne et des droits de la jeunesse [Human rights and youth rights commission] has the authority to demand that the necessary corrections be made when these rights are infringed. The infringement of rights may also give rise to relief ordered by the tribunal.

1071. In one case involving children transferred from one foster family to another, the Superior Court of Québec pointed out that under section 7 of the *Youth Protection Act*, the director of youth protection has the obligation, and not the discretion, to prepare the child before the transfer (*Commission des droits de la personne et des droits de la jeunesse et Directeur de la protection de la jeunesse, Les Centres jeunesse de l'Outaouais [Human rights and youth rights commission and the Director of Youth Protection, Outaouais youth centres]* , C.S. 550-24-000003-974, December 1, 1997). This obligation was introduced to prevent psychological damage resulting from sudden uprooting and the broken attachment between children and the persons who have stood in *loco parentis*, and it must be applied so as to respect the principle of the interest of the child, as guaranteed by section 3 of the Act.

H. Adoption (Article 21)

1072. No adoption may take place except in the interest of the child and on the conditions prescribed by law (Article 543, C.C.Q.).

1073. Under section 544 of the *Civil Code of Québec*, no minor child may be adopted unless his father and mother or his guardian have consented to the adoption in writing before two witnesses, or unless he has been judicially declared eligible for adoption. A person who has given his consent in writing may withdraw it within thirty days from the date it was given (s. 557 C.C.Q). If a person has not withdrawn his consent within the required time, he may, at any time before the order of placement, apply to the court to have the child returned (s. 558 C.C.Q.).

1074. Section 549 of the *Civil Code of Québec* provides that no child 10 years of age or over may be adopted without being consulted and giving his consent. However, when a child over 10 but under 14 refuses to give his consent, the court may defer its judgment for the period of time it indicates, or grant adoption notwithstanding the child's refusal. Refusal by a child 14 years of age or over is a bar to adoption (s. 550 C.C.Q.).

1075. The rules respecting consent to adoption and the eligibility for adoption of a child domiciled outside Québec are those provided by the law of his domicile (s. 3092 C.C.Q.). When called upon to grant an order of placement or recognize an adoption judgment rendered outside Québec, the court ascertains in particular that the rules respecting consent to adoption have been observed (ss. 568 and 574 C.C.Q.).

1076. Adoption creates the same rights and obligations as filiation by blood (s. 578 C.C.Q.). Furthermore, an adoption judgment rendered abroad which has been legally recognized in Québec produces the same effects as a judgment rendered in Québec (ss. 581, 3092 C.C.Q.). Finally, remember that a child adopted outside Québec has the same rights as a child born in Québec.

1077. It should be mentioned that, in accordance with section 564 of the *Civil Code of Québec*, only the Minister of Health and Social Services or an organization certified by her may act as intermediaries in the international adoption process. Such organizations are legally incorporated private not-for-profit corporations whose mission it is to defend the rights of children, promote their interests or improve their living conditions. Ministerial certification authorizes them, under certain conditions, to perform for the adopter the procedures for adopting a child domiciled outside Québec.

1078. Section 135.1 of the *Youth Protection Act* provides that any person who gives or receives a benefit with a view to obtaining the adoption of a child is liable to a fine of $2,450 to $12,150, depending on whether a legal or natural person is involved. Whoever adopts, attempts to adopt or contributes to the adoption of a child contrary to the Act is also liable to such a penalty.

1079. Every certified organization must have a board of directors made up of at least 5 persons, and undertake, among other things, to deposit in a trust account the sums of money entrusted to it by the adopter. It must also provide the Minister of Health and Social Services with the average cost of an adoption, with particulars of each item of expenditure and the range of costs for each (*Minister's Order respecting the conditions for certification of an organization that takes steps on behalf of the adopter with a view to the adoption of a child domiciled outside Québec*, M.O. 91 of March 14, 1991, *Gazette officielle du Québec* [Quebec official gazette] - *Part 2*, of March 27, 1991, p. 1133). A certified organization that fails to comply with its obligations may have its certification suspended or revoked by the Minister (s. 72.3.4, *Youth Protection Act*).

1080. All certified organizations have also agreed, by resolution of their board of directors, to respect the *Code d'éthique des organismes agréés du Québec en adoption internationale* [Code of Ethics for Québec Organizations Certified in International Adoption], which came into force on January 1, 1997. They thereby undertake to avoid conflicts of interest and to demonstrate impartiality, and more specifically, to act with honesty and to avoid receiving or paying any advantage, return or commission in the exercise of their functions or in the child adoption process. Certified organizations must also avoid methods and behaviours liable to ascribe a profit-making or commercial character to international adoption. They must never place any pressure whatsoever on the biological parents to persuade them to give their child up for adoption, nor associate with any person, organization or institution they know to use or suspect of using such methods.

H. Abandonment or neglect (Article 19), including physical and psychological recovery and social reintegration (Article 39)

1081. In Québec, the legal framework for intervention in cases of abandonment or neglect is essentially covered by the provisions of the *Youth Protection Act*; the reader may refer to the previous report for the details of such intervention.

1082. In December 1995 the Government of Québec adopted a spousal abuse policy with which seven departments are associated. Of the many commitments made, a number have allowed for the establishment of measures designed to counter abusive or potentially abusive behaviours or to mitigate the effects of abuse on children witnessing it. The policy was developed in partnership with the governmental, paragovernmental, community, university and association sectors and with the participation of specialists. It emphasizes 4 lines of intervention: prevention, detection, adaptation of services to specific realities (e.g. Aboriginal people) and consistency of the intervention in the psychosocial, judicial and correctional spheres.

1083. Following the publication of an opinion questioning the validity under the *Charter of Human Rights and Freedoms* of the duty to report as formulated in section 39 of the *Youth Protection Act*, the Commission des droits de la personne et des droits de la jeunesse [Human rights and youth rights commission] analysed this provision in light of the right of professional secrecy. In the Commission's view, the rule obliging the professional to report to the director of youth protection, professional secrecy notwithstanding, constitutes a rational and proportional means of protecting the welfare of children likely to experience situations that may jeopardize their security or development.

VI. Health and Welfare (Article 6, 18(3), 23, 24, 26, 27(1-3)

A. Disabled children (Article 23)

1084. In 1996 the Office des personnes handicapées du Québec [Quebec office for disabled persons] established the "Program d'évaluation de l'intégration sociale des personnes handicapées" [Program to Evaluate the Social Integration of Persons with Disabilities]. This program provides a source of reliable and information on the academic, occupational and social integration of persons with disabilities. The first report prepared under this program covers the period of 1993 to 1997. It highlights the following main elements with respect to disabled children.

Integration of disabled children in day-care services

1085. There were some interesting developments in the integration of disabled children in day-care between 1992 and 1996. During this period, the number of children with disabilities who entered day-care doubled. This was made possible thanks to the importance ascribed to this clientele by the Ministère de la Famille et de l'Enfance [Department of child and family welfare] and its partners. In this connection, a Québec committee on the integration in day-care of children with disabilities was created. It is mandated to promote access to day-care for disabled children, to support day-care services in their responsibility for integrating children with disabilities, and to encourage parents to participate in their children's integration in day- care. This result was also made possible by the allocation of significant new budgets to meet the demand. Grant expenditures increased accordingly, from $1.5 million in 1993 to $3 million in 1997.

1086. School day-care services, however, are underdeveloped, and the integration of children with disabilities in these services is still the exception. Conscious of the problem that access for disabled children to day-care services posed in all parts of Québec, the Office des personnes handicapées du Québec [Quebec office for disabled persons] decided 2 years ago to begin creating regional committees. Many regions have now produced progress reports or surveys in order to better identify the needs of both parents and day-care sectors. Collaborative projects between various organizations have been set up to meet these needs.

Support measures for families with a disabled child

1087. The various Québec compensation plans (automobile insurance, occupational health and safety, compensation for victims of crime, health insurance) offer support measures for the parents of children with disabilities.

1088. Québec families with a severely disabled child may also receive a supplemental family allowance in the amount of $119.22 per month, regardless of their income.

Education of disabled children

1089. In the sphere of educational services, in 1993 the Office des personnes handicapées du Québec [Quebec office for disabled persons] published its position on the schooling of children with disabilities, which is based on 3 guiding principles: respect for the student's needs, the regular neighbourhood school classroom as the place of schooling, and participation by the parents. Based on these principles, the Office des personnes handicapées du Québec [Quebec office for disabled persons] has provided its support to the parents of children with disabilities in their efforts to obtain appropriate educational services.

1090. Thanks to the efforts made over the last 10 years, there has been an improvement in the school integration of disabled children. However, it is quite obvious that the number of disabled children in regular classrooms falls off as the level of education increases. Children with a physical impairment are more easily integrated in regular class, since in many cases technical adaptations may be all that is needed.

1091. The majority of cases involving disabled children that have been processed by the Commission des droits de la personne et des droits de la jeunesse [Human rights and youth rights commission] concerned their integration into regular classes. Complaints opposing parents and school boards include the placing of the student in special or remedial class, supervision by remedial teachers or monitors, the school's adjustment to the schedule and needs of the child, and the provision of specialized equipment to compensate for the student's handicap.

1092. In 1994 the Court of Appeal of Québec confirmed a judgment of the Human Rights Tribunal ordering the partial integration in regular class of a child with a mental disability (*Commission scolaire St-Jean-sur-Richelieu c. Commission des droits de la personne du Québec [St-Jean-sur-Richelieu school board v. Quebec human rights commission]*, [1994] R.J.Q. 1227, confirming in part [1991] R.J.Q. 3003 (T.D.P.Q.)). For the Court of Appeal, integration in regular class is not the objective in every case, although it is an objective to be encouraged. The law instead sets as a standard the adaptation of educational services to the needs of each disabled student. The Court ruled that, to take account of the individual learning needs of each child, adaptation of such services is an essential condition for the pursuit of real equality.

1093. In 1997, the Human Rights Tribunal found that refusal to accept in day-care a child accompanied by a visual rehabilitation worker to help him compensate for his disability constituted discrimination based on use of the chosen means of palliating a handicap (*Commission des droits de la personne et des droits de la jeunesse c. Garderie du Couvent inc. [Human rights and youth rights commission v. Du couvent day care inc.]* [1997] R.J.Q. 1475).

B. Health and medical services (Article 24)

1094. In 1997 the Secrétariat à la condition féminine [Secretariat on the status of women] launched its "Program d'action 1997-2000 pour toutes les Québécoises" [1997-2000 Action Program for all Québec Women]. Through this program the government clearly indicated its intention to use every possible means to address the causes of the rise in the early pregnancy rate, so as to prevent adolescent girls from becoming mothers and thereby compromising their chances for economic independence. The government also expressed a desire to support teenage mothers and their specific needs as appropriately as possible.

1095. An interdepartmental committee was set up, and therefore mandated to develop government policies on this issue together with an action plan. With the aim of preventing early pregnancies, in 1995 the Ministère de la Santé et des Services sociaux [Department of health and social services] (MSSS) released the "Orientations ministérielles en matière de planification des naissances" [Departmental orientations on planned parenthood]. The first of the objectives directly concerns girls, since it aims to reduce to less than 15 per 1,000 the early pregnancy rate among teenage girls aged 17 or under. The department also wants to mitigate the consequences of these pregnancies on the health and welfare of young mothers and their children.

1096. With regard to support for adolescent mothers and with the same aim of mitigating the impacts of early pregnancies, the MSSS provides substantial subsidies to a multitude of non-governmental organizations offering services to teenage mothers and their families. Specifically in the Aboriginal community, the Government of Québec issues grants to certain organizations working with adolescent mothers, such as the Regroupement des centres d'amitié autochtones du Québec [Quebec association of native friendship centres] and Québec Native Women.

1097. The MSSS has also undertaken to produce and distribute a monograph on the health, welfare and living conditions of adolescent girls which will address the needs, realities and various problems they experience.

1098. The Ministère de l'Éducation [Department of education] has organized a "personal and social training" course which serves among other things to provide young people with information relating to sex education. This awareness raising for boys and girls is essential for many reasons, including prevention of early pregnancies and sexually transmitted diseases.

1099. Being faced with a demographic situation that has changed considerably in recent years with a larger and more diverse influx of immigration, Québec has studied the issue of female genital mutilation. To this end the minister responsible for the status of women established an interdepartmental committee on female genital mutilation in 1994. The committee submitted an action plan in 1995 which proposed to measure the incidence of this practice in Québec and to educate the public so as to prevent practices of genital mutilation. The Ministère de la Santé et des Services sociaux [Department of health and social services] is implementing the action plan.

1100. The Commission des droits de la personne et des droits de la jeunesse [Human rights and youth rights commission] condemned female genital mutilation in an opinion released in 1994. It considers that a defence based on parental consent or religious or cultural values cannot justify such serious interference with the personal inviolability of children, of which most of the victims are girls.

C. Social security and child-care services and facilities (Article 26 and 18(3))

1101. It should be noted first of all that the financial assistance programs mentioned in the previous report—i.e. under the *Act respecting Income Security* (R.S.Q., c. S-3.1.1), the financial support program and the work and employment incentives program—have been maintained.

1102. To increase financial assistance for low-income families, the universal family allowance plan, which included the allowance for newborn children, has been replaced by a plan intended only for the families who need it. The amount of the family allowance is calculated on the basis of family income, number of children, and type of family (single-parent or two-parent).

1103. With regard to child day-care services, certain undertakings were made by the government and its non-governmental partners in the third family policy action plan called "Familles en tête 1995-1997" [Families first 1995-1997] to ensure a better balance between family responsibilities and labour market requirements. Notably, there is a desire to meet the needs of parents working on non-traditional or irregular schedules and to respond to problems related to child care outside school hours or during the summer. Between 1993 and 1997 the Office des services de garde à l'enfance [Office of child care services] continued to develop spaces in day-care services. A total of 28,175 new spaces were made available: 15,865 in day-care centres and 12,310 in families. Since its creation in 1997, the Ministère de la Famille et de l'Enfance [Department of child and family welfare] has adopted a plan to develop 85,000 additional day-care spaces by the year 2006.

1104. To make day-care services more accessible, the government has created services that are free of charge for disadvantaged children and services for which only a reduced contribution is required (currently $5 per day) for other children. Spaces for this second category are being introduced gradually, and in 1997 apply only to children 4 years of age.

D. Standard of living (Article 27 (1-3))

1105. In addition to the assistance programs mentioned in the chapter on social security, the Government of Québec introduced a new housing allowance program in October 1997. This program merged two housing assistance programs, namely the special housing assistance benefit of the Ministère de l'Emploi et de la Solidarité [Department of employment and solidarity] (MES) and the "Logi-rente" [Housing benefit] program. This allowance is paid to households with children that are receiving income security and to low-income workers with children.

1106. It should also be remembered that the *Act to Facilitate the Payment of Support* mentioned above in section V.F. introduces expanded collection powers so as to reduce the poverty level of children and women, notably by improving the economic situation of single-parent families. Some 7,500 judgments are subject to this mechanism. An amendment in May 1997 to the *Civil Code of Québec* and the *Code of Civil Procedure* of Québec regarding the establishment of support for children makes it possible to set support amounts that better suit the needs of children. This new legislation introduces the use of a table which uses the parents' disposable income and the number of children involved to establish the value of their basic support contribution.

1107. In addition, effective May 1997, support received for the benefit of a child will no longer be included in the income of the recipient parent or deductible for the paying parent. Consequently the child and the parent with custody will benefit from each dollar of support paid.

1108. To improve the financial support programs for children and ensure that they are equitable, work was done in 1992-1994 to simplify these programs. Child allowances and child tax credits were indexed to the cost of living in 1992 and 1993. The tax credit for the second child was also indexed in 1994. And in 1994 the amounts for dependent children and the tax credit for care of children were increased. Consequently, a refundable tax credit has replaced the child care expense deduction. To complement the National Child Benefit, in 1997 the family policy provided for the introduction of an integrated child allowance to cover the essential needs of all children living in low-income families.

1109. Maintaining the child tax credit and single-parent credit will ensure the universality of family assistance. For example, the integrated child allowance will vary according to the family income and number of children, so as to restore equity to the financial support for children that is provided by the government. Low-income families will receive substantially more additional assistance than before, and the essential needs of their children will be fully covered.

1110. With regard to day-care services, the Office des services de garde [Office of child care services] has been able to grant financial assistance to parents eligible for the "Program d'exonération et d'aide financière pour un enfant en service de garde" [Exemption and financial assistance program for a child in day care]. This program makes it possible to reduce the contribution of parents who meet the eligibility conditions by exempting them from a portion of their day-care expenses. The financial assistance is paid directly to the day-care service or agency on the parents' behalf. Expenditures related to this program have almost doubled in 4 years, rising from $56.8 million in 1993 to $92.9 million in 1997. The 1997 adoption of the new family policy will serve to progressively standardize day-care costs for all children attending early childhood centres from birth to kindergarten, via a minimal daily contribution of $5 for the parents. Parents with low incomes may be exempted from this contribution.

VII. Leisure, Recreational and Cultural Activities (Article 28, 29, 31)

A. Education, including vocational training and guidance (Article 28)

1111. Education in Québec continues to be provided under the *Education Act*, in accordance with the parameters outlined in the previous report.

1112. Under this education system, services for students include primary and secondary instruction, supplemental services and special services. The latter include the right of students from different cultures to receive support services in learning the French language. Students with disabilities or with adjustment or learning problems are entitled to educational services adapted to their needs. They are also entitled to an intervention plan designed with their parents' participation. In addition, disabled students have the right to continue their secondary education until the age of 21, even though the usual age for high school is 16.

1113. Each year, the student has the right to choose between Catholic or Protestant moral and religious instruction, and moral instruction. With the collaboration of the Commission des droits de la personne et des droits de la jeunesse [Human rights and youth rights commission], the Ministère de l'Éducation [Department of education] has supported an initiative for education in human rights, and with the chief electoral officer, is conducting an education-in-democracy campaign in primary and secondary schools in order to encourage students to learn the rules and requirements of democracy.

1114. Certain specific measures have been taken with regard to target clienteles. As part of the 1997-2000 action program for all Québec women, the Ministère de l'Éducation [Department of education] has made a commitment to diversifying the vocational and technical training options for girls. It plans to do so through various awareness-raising activities in concert with the academic community and private-sector partners.

1115. For example, the Government of Québec now has an action plan to encourage Québec girls to pursue studies in the sciences and technological innovation. One of the means used is the annual Irma Levasseur award, conferred by the minister responsible for the status of women. This is a scholarship for girls pursuing studies in science and technology. The Ministère de l'Agriculture, des Pêcheries et de l'Alimentation [Department of agriculture, fisheries and food] (MAPAQ) has made a major effort to promote the preparation of a female succession in the farming sector.

1116. With regard to early childhood education measures, under the terms of the family policy the Government of Québec intends to provide parents with the support of quality day-care services that are accessible and stimulating, while continuing to give them a predominant role in the raising of their young children. Such services must give children 5 years of age and under the benefit of supervision that fosters their development, and allow them to become progressively more familiar with a stimulating learning environment and acquire skills that will prepare them for success in school.

1117. Since 1995 the Office des services de garde à l'enfance [Office of child care services] has been distributing the program "Jouer, c'est magique" [Playing, it's magic], which focuses on the overall development of the child. Based on an educational approach from developmental psychology, it has been tested on thousands of Québec children and has aroused a great deal of enthusiasm among educational staff. One component of this program has been designed to encourage boys and girls in early childhood centres to behave peacefully and relate to each other as equals.

The purposes of education (Article 29)

1118. Under its family policy, the Government of Québec has encouraged the development of educational orientations in early childhood centres.

1119. These orientations are designed to ensure the quality of educational services and foster educational continuity between the centres and the school environment. The document entitled "Program éducatif dans les centres de la petite enfance" [Educational program in early childhood centres] has been in use since September 1997. The program is based in particular on the following principles: each child is a unique being, child development is a comprehensive, integrated process, and co-operation between educational staff and parents contributes to the harmonious development of the child.

1120. The program also establishes the child development objectives and suggests concrete methods of implementing the educational orientations advocated. The objectives concern the overall development of the child, providing support for the physical, motor, intellectual, language, socio-affective and moral aspects. By realizing the development potential of the child, the early childhood centres ensure that the child has the chance to acquire or master various attitudes or skills preliminary to the systematic learning to be offered later at school: self-confidence and self-esteem, respect for others, motivation, a taste for discovery, self-expression, capacity for attention, the habit of problem solving, and so on. The teaching staff definitely adopt a democratic mode of intervention that allows children to express their needs and limitations and to negotiate acceptable solutions, using play as a means of communicating and establishing self-worth.

1121. In 1997 the Ministère de la Famille et de l'Enfance [Department of child and family welfare] produced an inventory of educational tools for achieving peaceful, equal and non-violent relations, entitled "Vivre égaux et sans violence" [Living as equals non-violently].

1122. Most Aboriginal students attend a school managed by an Aboriginal community. For the 1996-1997 school year, this was the situation of 84 percent of Aboriginal students, who thus received instruction in their native language.

1123. The Commission des droits de la personne et des droits de la jeunesse [Human rights and youth rights commission] has increased the number of its representations in the context of education reform in order to demand that instruction in rights and freedoms be included in the primary and secondary curricula. It has also prepared compendiums of activities for the purpose of such instruction. School interventions addressing specific issues related to human rights have also been organized. Certain training sessions for students or their representatives dealt with one of the following subjects: young people and democracy, sexual harassment, disabled students' access to regular classes, intolerance, conflict and violence at school, and relations between Natives and non-Natives.

C. Leisure and cultural activities (Article 31)

1124. With regard to leisure, review of the achievements of the 1992-1994 action plan of the family policy partners indicates that various steps have been taken to facilitate leisure and cultural activities in the family.

1125. For example, children's playgrounds have been built in parks and a three-year plan to promote the Québec parks network has been developed. The concept of engaging in physical activities in the family, "Famille en jeu", has been introduced in over 160 municipalities. In addition, various instruments have been produced to encourage municipal and school authorities to step up the pooling of their equipment.

1126. Diverse measures have also been taken to increase the municipalities' commitment to families. These include the distribution among elected municipal officials of a guide entitled "Les municipalités et les familles" [Municipalities and families]. This guide offers a range of information designed to help municipalities set up family policy dialogue mechanisms and develop new family services formulas.

1127. In support of these initiatives, an initiative fund called the "Fonds famille 1992-1994" [Family fund 1992-1994] was established to support the finalization of projects that test new approaches. A total of $1.1 million was spent for this purpose and 23 projects were financed. For 1995-1997, this family fund stood at $517,000 and served to finance 27 projects related to development of parenting skills.

1128. With regard to cultural activities, the 162 public libraries of Québec and the 800 libraries affiliated with the regional service centres for public libraries make available to children collections of books that are specifically designed for them. Most libraries also organize various types of cultural activities for their juvenile clientele.

Special Measures of Protection for the Child (Article 22, 38, 39, 40, 37(b), (c) and (d), 32-36)

A. Children in emergency situations

Refugee children (Article 22)

1129. The government services legislation in force in Québec distinguishes between refugees, who have been granted that status in Canada by the federal authorities, and persons claiming refugee status. For example, children who have been recognized as refugees may attend a reception class to facilitate their integration into Francophone society and are exempt from higher tuition fees at all levels of instruction. They have access to medical, hospitalization and drug insurance. Their parents, being also recognized as refugees, may benefit from assistance programs of last resort under the terms of the *Act respecting Income Security,* may participate in certain employability development measures and may obtain legal aid. They may also receive family allowances, the housing allowance, and day-care services for a reduced contribution. Once their children have been granted permanent residence in Canada, they have access to all government services under the same conditions as any Canadian citizen residing in Québec.

1130. Children claiming refugee status are exempt from tuition fees at the pre-school, primary and secondary levels. However they must pay the tuition fees required of foreign students when they attend college and university. The financial assistance program for college and university studies is reserved for permanent residents. If their parents are also claimants, they may receive specific income security and housing allowance benefits, as well as legal aid. In view of their ineligibility for family allowances, a family budget supplement may be paid in certain circumstances to families with four or more children.

B. Children in trouble with the law

1. Administration of justice for minors (Article 40)

1131. Having acquired solid experience in youth protection services, Québec has decided to assign all psychosocial aspects of the treatment of offences committed by adolescents to the Youth Resources Network. As a result, the Director of Youth Protection has also been designated provincial director for purposes of the *Young Offenders Act*, and his assessment and treatment resources may be utilized for young offenders. Similarly, spaces in rehabilitation centres that offer sufficient physical and dynamic supervision to satisfy the detention or custody warrants ordered by the court will also receive young offenders as well as young people who require protection.

1132. Where the caseload for Crown attorneys and police forces permits, there are specialized teams that work with youth. One must also note the creation, in virtually every region of Québec, of collaborative forums centering on the provincial director of youth protection, which bring together players in the judicial, medical, community and education systems to ensure that their respective interventions with the youth clientele are complementary and consistent.

1133. As outlined in the previous report, the *Young Offenders Act* recognizes the specific needs of adolescents with respect to counselling and re-education, as well as the need for these young people to take responsibility for their wrongdoings. On December 1, 1995 certain amendments were made to the statement of principle in the *Young Offenders Act.* First, it was made to recognize the need to develop a multi-disciplinary frame of action to permit identification of and intervention with children likely to commit crimes. Second, it now clearly states that the protection of society is better served by the social reintegration of the young offender whenever this is possible. Québec is successfully pursuing implementation of its alternative measures and diversion program in compliance with the newly established principles.

1134. If the judicial solution is deemed more appropriate, the young offender continues to benefit from the legal rights and guarantees set forth in section 40 of the Convention by virtue of the *Code of Penal Procedure* of Québec (R.S.Q., c. C-25.1) and the Québec Charter, and on the federal side, the *Canadian Charter of Rights and Freedoms* and the *Young Offenders Act.* The young offender will be brought before a specialized tribunal dealing exclusively with matters involving children: the Youth Division of the Court of Québec.

1135. The Commission des droits de la personne et des droits de la jeunesse [Human rights and youth rights commission] has intervened with academic institutions to remind them of their obligations with respect to police intervention in a school environment. More generally, it has collaborated with three other organizations, the Conseil permanent de la jeunesse [Permanent council on youth], the Civil Liberties Union and the Regroupement des maisons de jeunes du Québec [Quebec association of youth centres], in preparing a guide that informs young people in custody or under arrest about their rights.

2. Treatment of children deprived of liberty, including children subject to any form of detention, imprisonment or placement in a supervised establishment (Article 37 (*b*), (*c*) and (*d*))

1136. As a result of the concern not to subject young people to conditions harsher than those warranted by their status, various units of institutions that operate a rehabilitation centre have been designated as to the level of control and supervision they exercise over their young residents. This concern is evident in the *Youth Protection Act* but also the *Young Offenders Act,* which states in section 3(1)(*f*) that restrictive measures must pose the least possible interference with the freedom of young persons that is consistent with the protection of society. The Commission des droits de la personne et des droits de la jeunesse [Human rights and youth rights commission] rigorously monitors respect for the rights of children that are recognized by these provisions.

1137. In Québec, the *Youth Protection Act* grants adolescents deprived of liberty under a detention order rights over and above those prescribed by federal law. These are the rights to receive health, social and education services. Young persons also have the right to communicate in full confidentiality with their advocate, the director of youth protection handling their case, their parents, brothers and sisters, and any other person, provided the tribunal does not decide otherwise. Any disciplinary action taken by the board of the house of detention will be explained to them, and they may apply to the Commission regarding any non-observance of their recognized rights.

1138. Furthermore, any adolescent involved in a criminal offence has the right to retain the services of an advocate free of charge. Generally, counsel representing children have developed special expertise in the administration of justice for young people. The adolescent may choose either a full-time advocate from the local legal aid office or an advocate in private practice.

1139. Like any other sentencing measure, the detention may be reviewed by a court of appeal via notice filed within 30 days of the decision being challenged.

1140. After an investigation which opened in 1996, the Commission sought the closure of a rehabilitation centre unit on account of its poor conditions of accommodation for youth aged 12 to 17. Following the Commission's opinion recommending its closure within 60 days, the institution closed its doors within the time-frame stipulated.

4. Physical and psychological recovery and social reintegration (Article 39)

1141. The comments made earlier with regard to the rehabilitation required by children whose security or development is compromised generally apply to rehabilitation for children involved with the justice system. Youth whose case falls under the *Young Offenders Act* in fact benefit from the majority of the rights that the *Youth Protection Act* recognizes for children in a compromising situation. Consequently, the various rehabilitation-related interventions of the Commission des droits de la personne et des droits de la jeunesse [Human rights and youth rights commission] usually concern both categories of young people.

C. Children in a situation of exploitation, including their physical and psychological recovery and social reintegration

2. Use of narcotics (Article 33)

1142. The *Act respecting Offences relating to Alcoholic Beverages* prohibits a minor from purchasing alcoholic beverages for himself or anyone else, and from being in an establishment where alcoholic beverages are consumed, such as a tavern, pub or bar. The corollary to this is that a merchant who sells or serves alcoholic beverages to a minor or permits a minor to be present in his establishment is in contravention of the Act and liable to criminal prosecution and suspension of his liquor licence.

1143. The Québec school system has organized prevention programs in the schools. These programs are intended to make children and adolescents aware of the dangers of drug use, the damage it does to health, and the legal consequences of possession and trafficking of prohibited substances.

1144. In co-operation with teachers, parents' committees, school authorities and police forces, investigations are regularly conducted in schools in order to combat narcotics trafficking. These operations take care to respect the rights of the adolescents who may be implicated in unlawful activity. The results of these investigations generally make it possible to effectively counter the establishment of drug-dealing networks in these schools.

3. Sexual exploitation and sexual abuse (Article 34)

1145. Sexual exploitation and sexual abuse of children are crimes defined in the *Criminal Code*. Police investigators of sex crimes form a specialized team and receive special training in this area, notably in collecting testimony from child victims. The Attorney General's representatives assigned to sex crime cases involving children receive advice and assistance from a provincial committee set up in 1995. This committee co-ordinates prosecution activities in this matter and sees to the training of the representatives, the updating of knowledge in the fields of expertise concerned, development of a guide to legal proceedings, and follow-up and updating of protocols.

1146. In 1995, 5 government ministers released the report of the task force on sexual assault and the content of an interdepartmental action plan in which each undertook to implement various measures to combat sexual assault.

1147. One of the commitments made by the minister responsible for the status of women was to develop an awareness and prevention tool, designed particularly for boys, to combat the learning of violent behaviour. The Secrétariat à la condition féminine [Secretariat on the status of women] then collaborated with the Secretariat for Family Affairs, the Secrétariat à la jeunesse [Secretariat for youth] and the Regroupement des maisons de jeunes du Québec [Quebec association of youth centres] to produce a poster and sticker depicting a young couple with the caption "D'égale, l'amour, c'est génial!" [Love between equals: it's great!]. These promotional tools have been distributed in all youth centres in the Regroupement des maisons de jeunes du Québec [Quebec association of youth centres]. In addition, numerous sexual assault prevention programs for adolescents have been offered in schools, with the object of making teenage boys more aware of the nature, risk factors and consequences of such behaviour. Also offered has been information on suggested preventive measures and the resources available to victims of sexual assault.

1148. The Ministère de l'Éducation [Department of Education] has developed and made available to teaching staff a program on preventing dating violence. Called "VIRAJ," it is addressed to youth in Secondary III and IV, and aims to promote attitudes and behaviours that prevent recourse to violence.

1149. The situation of sexual abuse of children is central to the concerns of the various social workers. In order to bring together in the same forum the many stakeholders from different fields of expertise, numerous protocols have been ratified. The intersectoral protocol in situations of institutional sexual abuse, finalized in October 1989, concerns allegations of sexual abuse in an institutional context. Intervention in schools will take place in accordance with the agreement on intersectoral intervention in response to allegations of sexual abuse in schools, which was established in 1992.

1150. Finally, the Commission des droits de la personne et des droits de la jeunesse [Human rights and youth rights commission] has launched a study on the prevention of sexual offences against children, in which it evaluates, among other things, one means of prevention that has been used by certain citizens: the use of posters to disclose the identity of pedophiles released after serving their sentence.

D. Children belonging to a minority or indigenous group (Article 30)

1151. It must first be mentioned that since 1994 the *Youth Protection Act* has stipulated that the characteristics of cultural communities and Aboriginal communities must be taken into account in deciding on sentencing measures. This means that when it is considered necessary to place an Aboriginal child in a foster home, placement in an Aboriginal family is given preference.

1152. To promote their cultural development, the Government of Québec continues to provide financial support to Aboriginal cultural institutions, such as the Avatac Cultural Institute for the Inuit and the Montagnais Cultural and Educational Institute, as well as to Aboriginal media.

1153. Finally, the *Charter of the French Language* (R.S.Q., c. C-11) recognizes the right of the Aboriginal populations to maintain and develop their original languages and cultures.

NEW BRUNSWICK

General

Department of Health and Community Services, Office for Childhood Services

1154. From 1989 to 1991, an Office for Childhood Services was established and given the mandate to coordinate policy development and program planning for childhood services across all relevant government departments. The Office was also Secretariat to a Minister of State for Childhood Services whose role was to advocate on behalf of children and ensure inter-ministerial coordination of children's services.

1155. A policy framework document on children services was published, "Playing for Keeps: Improving Our Children's Quality of Life." The role of the Minister of State was later assumed by the Minister responsible for Health and Community Services. In 1994, a Minister of State for the Family and a Family Policy Secretariat was established for a one-year time period to look at issues affecting families in New Brunswick. The Family Policy Secretariat published a policy framework document, "Foundations for the Future: A Proposed Framework for Family Policy in New Brunswick", which made recommendations with respect to family-related issues.

Youth Council of New Brunswick

1156. Appointed in 1987, the Youth Council of New Brunswick (YCNB) is an advisory body to government and the public on issues of concern to youth. The Council is a non-partisan organization composed of 15 New Brunswickers between the ages of 15 to 24, representing all regions of the province, both official language groups as well as social, cultural and visible minorities. The Youth Council represents the perspectives of youth but does not provide direct programs and services to young people. It acts as a liaison agency between young people and service providers.

Article 2 – Non-Discrimination

Department of Health and Community Services

1157. According to the *Family Services Act* (*Regulation 81-132*), a child means a person actually or apparently under the age of 16 and includes a disabled person actually or apparently under the age of 19.

1158. The *Medical Consent of Minors Act* provides that minors who have attained the age of 16 possess full powers of consent and that minors below the age of 16 may be legally capable of consenting to medical treatment if, in the opinion of 2 qualified medical practitioners, the minor is capable of understanding the nature and consequences of medical treatment and if the medical treatment is in the best interests of the minor. Consent of a minor or his/her parents or guardian may be dispensed with in emergency situations if the minor is incapable of understanding the nature of the treatment or of communicating consent or if the parent/guardian is unavailable.

1159. *Tobacco Sales Act*: The legal sale of tobacco is restricted to persons 19 years of age and older.

1160. *Marriage Act:* The minimum legal age for marriage without consent of a parent or judge is 18 years. Children who have attained 16 years of age may marry with the consent of parents. A child under 16 years of age who has a dependent may marry without the consent of a parent or judge.

Department of Solicitor General

1161. Legislative schemes enforced by or affecting the operations of the Department of the Solicitor-General comply with or exceed the level of protection afforded by the Convention.

- Age of Criminal Responsibility: Age stipulations governing the quasi-criminal liability of children are contained in the *Provincial Offences Procedure for Young Offenders Act* which establishes the age of quasi-criminal liability pursuant to provincial law.

- Deprivation of Liberty: The *Custody and Detention of Young Persons Act*, which governs the custodial detention of young persons convicted of criminal and quasi-criminal offences in conjunction with the federal *Young Offenders Act*, adopts the minimum and maximum age guidelines contained in the federal Act.

- Consent to Medical Treatment: Although regulation of medical services is mainly under the administrative authority of the Ministry of Health and Community Services, New Brunswick's *Regulation 92-71*, enacted pursuant to the *Custody and Detention of Young Persons Act*, requires that supervisors of secure youth custodial facilities arrange for the young persons to undergo such medical, psychiatric, psychological and dental examinations and treatment as appear necessary. Rules governing the age of consent to medical treatment are thus a concern to the Department. The *Medical Consent of Minors Act* provides that minors who have attained the age of 16 possess full powers of consent and that minors below the age of 16 may be legally capable of consenting to medical treatment if, in the opinion of 2 qualified medical practitioners, the minor is capable of understanding the nature and consequences of medical treatment and if the medical treatment is in the best interests of the minor. Consent of a minor or his/her parents or guardian may be dispensed with in emergency situations if the minor is incapable of understanding the nature of the treatment or of communicating consent or if the parent/guardian is unavailable. However, section 12 of the *Custody and Detention of Young Persons Act* provides that the consent provisions of the *Medical Consent of Minors Act* may be superseded if a person below the age of 16 who is detained in a youth custodial facility requires medical treatment and the consent of the parent or guardian is required by law and is refused or unobtainable. In such circumstances, the Solicitor-General may consent to medical treatment.

- Access to Independent Legal Counsel: The *Provincial Offences Procedure for Young Persons Act* confirms the right of children between the ages of 12 and 18 to retain and instruct counsel without delay and to exercise that right personally at any stage of the proceedings against that person, and prior to and during any consideration of whether, instead of commencing or continuing judicial proceedings against the young person, to use alternative measures to deal with the young person. The young person is entitled to access existing legal aid programs. If no legal aid program is available or if the young person is unable to obtain counsel through a legal aid program, the youth court is empowered to direct the Attorney General of the Province to appoint counsel. Each young person is entitled to representation by independent counsel in any case where it appears to a youth court judge or a justice that the interests of the young person and his parents are in conflict or that it would be in the best interests of the young person to be represented by his own counsel, the judge or justice shall ensure that the young person is represented by counsel independent of his parents. (*Young Offenders Act; ProvincialOffences Procedure for Young Persons Act*).

- International Child Abduction Act: The provincial enactment incorporating the provision of the *Convention on International Child Abduction* stipulates that the treaty and Act are applicable to children from birth to 16 years.

- Consumption of Controlled Substances: Alcoholic beverages may not be sold, given, served, or otherwise supplied to anyone under the age of 19 years or appearing to be under that age, according to the *Liquor Control Act*.

1162. In addition to the foregoing, the Solicitor General made the following response to the comments made by the Youth Council of New Brunswick [see below]. This response, which relates to the protection of young persons between the ages of 16 to 18, is as follows:

> "While I note that the comments from the Youth Council do not directly impact the Department of the Solicitor General, I nevertheless wish to echo their comments with respect to Article 2—Non Discrimination concerning protection for young persons 16 to 18 years of age who are not living with their parent or legal guardian and who are not otherwise in the care of the Province. These young persons are particularly vulnerable to sliding into criminal activity and as a result may become involved with this Department, either through the police, local community-based corrections councils, probation officers or even the New Brunswick Youth Centre in Miramichi."

Department of Education

1163. The Department of Education's 1989 Ministerial statement entitled "Multicultural/ Human Rights Education" outlining the Department's requirements for non-discriminatory, stereotype-free practices and curricula continues to be relevant. In 1996, the Department introduced a policy for the protection of pupils from abuse and discrimination by adults in the school system. This policy defines abusive behaviour as having one or more of the following components:

- it is counter to the position of trust conferred upon adults in the school system;
- it is a breach of section 31(1) of the New Brunswick *Family Services Act*;
- it is a *Criminal Code of Canada* offence involving children; and
- it is a form of discrimination under the *Human Rights Act*.

1164. The Department is about to release a policy which sets standards for appropriate conduct for all in the school environment. It prohibits the following behaviours, among others, and requires intervention whenever any of these occur:

- harassment, intimidation and violence;
- discrimination based on gender, race, colour, national or ethnic origin, religion, culture, language group, sexual orientation, disability, age or grade level; and
- dissemination of hate propaganda including hate literature.

1165. The Department of Education attempts to promote a non-discriminatory culture by sensitizing students in the school system as well as educational personnel to various issues related to discrimination. Recently, the Department has begun to offer professional development regarding discrimination based on sexual orientation. The Department continues to review curriculum materials to ensure that they are free of bias and stereotypes.

Youth Council of New Brunswick

1166. The *Family Services Act* provides for the protection of children whose parents cannot adequately ensure care for and control of their children. According to the *Family Services Act* (*Regulation 81 -132*), a child means a person actually or apparently under the age of 16 and includes a disabled person actually or apparently under the age of 19. The situation of young people 16-18 who are not living with their parent or legal guardian and who are not in the care of the Province continues to require the attention of the government. Young people who have left home because of difficult family situations such as alcohol and drug problems, or sexual or physical abuse often find themselves with no place to go. Those young people, 16-18 years of age, and not under the care of the Minister of Health and Community services prior to their 16th birthday are not guaranteed services under the *Family Service Act*, although a young person taken into care prior to their 16th birthday would be given protection under the Act. This is an issue that needs to be addressed particularly in light of the changes in the *Education Act* which says that a youth must continue their education until eighteen years of age or high school graduation.

1167. Under the Youth Policy of Human Resources Development NB, if an independent youth youth passes the necessary screening, there is a monthly amount of $300 given provided the youth participates in education, training rehabilitation or volunteer programs. If they do not participate, the amount is reduced to $50. These amounts are clearly inadequate for an independent youth to survive and carry on with their education. The unfortunate result of this situation is that these young people are often left to their own resources and fall through the cracks in the system. Desperate circumstances can lead to dangerous forms of exploitation such as prostitution. The Council believes that it is incumbent on the Government of New Brunswick to articulate, in either new or amended social policy legislation, the legal responsibility of the state to youth whose parents or guardians are incapable or fail to carry out their parental role.

Department of Human Resources Development and Housing (HRDH)

Human Resources Development

1168. HRDH's Youth Policy affirms the New Brunswick government's commitment to ensure that youth remain in school whenever possible, recognizing that education and training are the keys to breaking the cycle of poverty. The Youth Policy is intended to support and encourage youth in obtaining their high school diploma and/or in acquiring additional education or training by providing additional financial benefits for those participating in those activities and by reducing the financial benefits for those refusing to do so. The $300 per month these youth receive while participating is more financial assistance than that received by adults in similar circumstances. The Department is cognizant that these youth face significant barriers when pursuing their education; they are afforded considerable latitude as to what defines participating, and very few youth receive the non-participating $50 per month rate.

1169. The issue of legal responsibility for youth aged 16-18 years remains a concern of HRDH. At present, the Department has assumed this responsibility by default through the provision of financial assistance. However, HRDH does not have the legal capacity nor expertise to expand its role beyond its current mandate of financial and employment support for youth to that of *in loco parentis*.

Article 3 – Best Interests of the Child

Department of Health and Community Services

1170. The Department of Health and Community Services is currently reviewing the child welfare system. In 1995, the Department included universal Hepatitis B immunization for all newborns and grade 4 students. In 1998, the province substituted acellular pertussis vaccine for whole cell vaccine in the universal immunization schedule for children. This vaccine has fewer side effects than the whole cell component and will increase utilization and protection against this disease.

Department of Solicitor General

1171. The best interests of the child is a primary factor to be considered when determining the following matters: eligibility of the child for alternative measures; placement prior to disposition; transfer to adult court; attendance of parents at court proceedings; representation by independent counsel; detention pending trial; disposition by youth court; placement on conviction by adult court; periodic review of the disposition; transfer from secure to open custody; and protection of privacy of children, including non-disclosure of criminal records.

1172. The *Custody and Detention of Young Persons Act* which governs conditions of confinement of young persons is premised upon the best interests of the child. Both the legislative and administrative policy of the Department is to resort to custody only as a last resort. Non-custodial sanctions, including probation and community service orders, are the preferred option as sanctions in the best interests of the child.

1173. In addition, in 1996 the Department established the Intensive Support Program, first to identify youth-at-risk who are on a path of behavior that will likely result in a custodial sentence as a young offender, and to provide intensive support to that young person as a preventative measure to redirect the youth off that otherwise inevitable course to a constructive path.

1174. In its administrative policies on treatment of youthful offenders, the Department has ensured that all children in provincial custodial facilities enjoy access to: adequate dental and medical care (including psychiatric counseling); the full range of educational and vocational training; psychological services; recreation; rehabilitative programming; adequate diet; adequate housing; and adequate clothing. According to both the *Custody and Detention of Young Persons Act* and its companion regulation, young persons in custodial facilities are entitled to periodic review of the conditions of custody and have unrestricted access to internal grievance procedures, youth advocates and the provincial Ombudsman, in order to resolve complaints concerning treatment under operation policy. Young persons enjoy those rights which are extended to young offenders, including the right to maintain contact with the outside world (through correspondence and visits) and the right to practice one's religion subject, only to the countervailing institutional interest in safety and order.

1175. The proposed Youth Advocate function will also be a resource both to respond to and help resolve grievances from youth in provincial custodial facilities.

Article 4 – General Measures of Implementation

Department Human Resources Development and Housing

Housing

1176. At the federal level social housing programs were canceled in 1997. New Brunswick is one of few provinces that has, on its own, maintained contributions to new affordable housing. As well, plans for a renewal of New Brunswick's social policies are underway. Through numerous consultation round-tables with the public, New Brunswickers from all walks of life are being asked to become involved in defining the short-term and long-term social framework of the province. It is expected that a new social policy framework will emerge later this year, which will see a more coordinated and integrated delivery of social programs.

Human Resources Development

1177. New Brunswick is also concerned about child poverty. To that end, the Province has introduced a number of initiatives to combat such poverty. Specifically, in April of 1997, the Province introduced the New Brunswick Child Tax Benefit and Working Income Supplement. The New Brunswick Child Tax Benefit is a tax-free payment of up to $250 per eligible child per year provided to qualifying families with children under the age of 18 living at home. The benefit is reduced if the family's net income is more than $20,000 per year. For children on social assistance, this translates into approximately $21 extra per month per child on their federal child tax benefit cheque.

1178. The New Brunswick Working Income Supplement is an additional benefit of up to $250 per family provided to qualifying families with earned income and children under age 18. To qualify for the working income supplement, the family must have earned income of at least $3,750 and less than $25,921. Earned income includes income from employment, self-employment, training allowances, scholarships, research grants, and the disability payments received under the Canada Pension Plan or Quebec Pension Plan. Many social assistance clients receive this benefit, since it is based on earned income in the previous year.

1179. The Department also provides an income supplement benefit for families on social assistance whose housing costs total more than 30 percent of their monthly income. These families are eligible for an additional $60 per month from May to October and $90 per month from November to April. Over 7,000 families on social assistance benefit from this program every year.

1180. While not specifically during the period of the Concluding Observations of the Committee, it should be noted that during the first phase of the National Child Benefit (introduced by the federal government in July of 1998), New Brunswick decided to allow the full amount of the National Child Benefit increase to pass through to families on social assistance. For most families on social assistance, this pass-through is the equivalent of an additional $84 per month beyond what the family already receives through the Canada Child Tax Credit.

1181. While the Province of New Brunswick does not view children being brought up in single parent families as necessarily "problematic environments", it does recognize that single parent families often face significant economic difficulties. To that end, the Province has introduced a number of initiatives that support that parents. In particular, the Day-Care Assistance Program, with an annual budget of over $4 million, provides subsidies to assist in the costs of child care expenses for many low-income families. In 1998-99, an average of 1600 children per year benefitted from this program. As part of its commitment to the National Child Benefit initiative, New Brunswick invested $2.1 M to enhance child care subsidies in 1998/99. Child Care subsidy rates were increased by $1.50 per day, increasing the rates to a maximum of $18.50 per day for infants under 2 years of age and $16.50 per day for children over the age of two. An additional 400 subsidized day-care spaces were added. In addition, the Province initiated the Alternative Child Care Program, which provides child care subsidies for low income working families who are not able to access child care through the formal licensed child care system for various reasons.

1182. It is worth noting that the Government of New Brunswick has recognized that the issues of poverty cannot be solved with short-sighted, quick fix initiatives, but rather, must be addressed over the long-term, to ensure that people have the skills and opportunities to participate fully in the social and economic life of the province. A number of programs, such as NB Works and the Self-Sufficiency Programs, are training and education programs targeted primarily at single parents to assist them with their re-entry into the workforce.

1183. Since 1987, New Brunswick has introduced improvements to the public education system, including the introduction of Kindergarten and increased parental involvement, established the Early Childhood Initiatives program for at-risk children, and introduced literacy, family violence, teen pregnancy, community development, stay-in-school, youth employment, and social housing initiatives. In addition, thousands of New Brunswickers have been provided opportunities to upgrade their academic qualifications, and to participate in training and employment programs.

Department of Justice

1184. The Department of Justice plays an active role in federal/provincial/territorial committees and working groups, such as the Family Law Committee. Our goal is to attain more uniformity and coordination across Canada in relation to children's issues.

Aboriginal Affairs

1185. An extensive system to collect data on all areas of the Convention and how it relates to children in the province of New Brunswick is simply beyond the resource capabilities of the department responsible for Aboriginal Affairs and would, in any case, be more appropriately conducted by an agency intimately involved in these matters such as the Department of Health and Community Services or perhaps the Human Rights Commission itself.

1186. The Province is working in cooperation with aboriginal communities and the federal government in several areas that affect children. This cooperation has resulted in a number of important agreements and initiatives, including a Child and Family Services agreement, education tuition agreements, and the establishment of the Joint Economic Development Initiative (JEDI).

Youth Council of New Brunswick

1187. The general observation that the Council would like to make regarding the on-going implementation of the *Convention on the Rights of the Child* is that young people, themselves, should be consulted and their opinions valued. Young people feel the need to be involved in the matters that concern them. In 1996, 72 percent of young people surveyed by the Council stated that they did not feel they were consulted when decisions or rules were made that affected them. One on-going recommendation of the Council is that young people be appointed to decision-making bodies, such as boards, committees, councils that deal in educational reform, employment strategies, and social and recreational programs.

1188. Further, to the above recommendation is the general need to improve the efforts in New Brunswick to disseminate information to youth on human rights and legal rights and responsibilities. The Youth Council surveyed young people in 1992 and again in 1996. One point that was made consistently in both surveys was the fact that young people do not feel aware of their rights and responsibilities as citizens of Canada. In 1996, 71 percent stated that New Brunswick youth do not know their rights—for example, the *Young Offenders Act*, and the *Charter of Rights and Freedoms*—and the consequences to their actions. The Council recommends that there be more focus on human rights and legal rights and responsibilities provided through the public school curriculum. Complementary to these studies would be a general appreciation of responsible citizenship both nationally and internationally.

Department of Education

1189. The Department of Education has implemented legislation, policy, curriculum, practices and services which address and promote Convention principles related to: child protection, survival and development, freedom of expression, discrimination, education, etc. Many of these are described below in relation to other articles.

Article 5 – Parental Guidance

Department of Health and Community Services

1190. The *Family Services Act* refers to the family as the basic unit of society. It is accepted that parents have responsibility for the care and supervision of their children and that children should only be removed from parental supervision either partly or entirely when all other measures are inappropriate. Child Protection Standards address the issue of community standards by which a family is measured or assessed.

Department of Solicitor General

1191. The right of parental guidance is explicitly confirmed in the preamble to the *Provincial Offences Procedure for Young Persons Act*. The Department is also party to a variety of interdepartmental protocols and initiatives concerning victim services, family violence and child protection which are designated to offer support to families in crisis.

1192. The policies of correctional institutions encourage the maintenance of family ties through visitation and correspondence.

Article 6 – Survival and Development

Department of Health and Community Services

1193. The Early Childhood Initiatives is a province-wide, integrated service delivery system for prevention-focused childhood services, targeting "priority" preschool children and their families. "Priority" preschool children include children from the prenatal stage to 5 years whose development is at risk due to physical, intellectual or environmental factors. The overall goal of ECI is to enhance the development of children before they enter the school system, and thereby contribute to their school achievement.

1194. Strategies include public health services and social services whose goals are: to increase healthy pregnancy outcomes of pregnant women at risk, to foster healthy growth and improve developmental outcomes for children at risk, and reduce the incidence of child abuse and neglect.

Department of Solicitor General

1195. The administrative policies of the Department with respect to treatment of youthful offenders are designed to foster rehabilitation and reintegration of the child and to that extent foster survival and development.

Youth Council of New Brunswick

1196. Students express the need for more accessible and confidential counselling services. Uncertainty about the future, great pressure to define their career goals, the struggle to develop individuality in the face of peer pressure to conform, and problems arising from strained family relationships often lead to emotional problems such as alcohol and drug abuse, and a loss of self-esteem, depression and suicide. In Canada, suicide is the second leading cause of death in the adolescent populations, motor vehicle accidents being the first. Canadian adolescent males between the ages of 15 and 19 have the highest completed suicide rate in the industrialized world. A 1996 survey of young people in New Brunswick by the Youth Council indicated that students would like to see more information about the prevention of suicide offered in the curriculum.

1197. The Council has recommended in the past, and continues to support the need to review the current counselling services provided in the school system. It also believes that more life skills training should be made available within the high school curriculum. The Council also endorses the establishment of more peer counselling services in New Brunswick high schools so that youth are empowered to help and support one another to overcome their problems.

Department of Education

1198. The Department of Education currently offers summer programs and camp opportunities for students who are at-risk to learn ways to cope both academically and socially in the school environment. Students who participate in the summer programs are monitored throughout the school year. The use of peer helping programs has also been promoted and many schools make active use of these.

1199. Services which provide assistance to pupils, teachers and parents to improve the functioning of pupils in the school environment are provided through an agreement between the Department of Education and the Department of Health and Community Services. This agreement pertains to the services of psychologists, social workers, speech and language pathologists, occupational therapists, physiotherapists, and nurses and is currently being revised to improve service. The functioning of existing Crisis Events Response teams in each school district is also being reviewed.

1200. The Personal Development curriculum direction in both the Anglophone and francophone sectors is focusing on the infusion of life and social skills across subjects throughout school life. This approach to child development promotes self-esteem and coping skills, assisting pupils to survive and thrive.

Article 7 & 8 – Civil Rights and Freedoms

Department of Solicitor General

1201. These articles are of potential relevance to the management of provincial young offender custodial facilities. Departmental policies seek to protect the rights of the child in this context, subject only to those reasonable limits which are justifiable in the interest of institutional order and security. In this context, the legislative statements and internal administrative directives employed by the Department to regulate the conditions of confinement of youthful offenders comply with the relevant provisions of the *Charter of Rights and Freedoms* governing rights to expression, communication and privacy. By inference, such rights are ensured by the operation of *Regulation 92-71* enacted pursuant to the *Custody and Detention of Young Persons Act*, which authorizes supervisors of youth custodial facilities to establish social and entertainment programs, religious, services, visiting programs, and such other programs that the supervisor considers desirable, advisable or necessary and that are consistent with section 2 of the Act, and fulfill the special rehabilitative needs of young persons.

1202. Limited privacy rights for youthful offenders are given effect by the Regulation, which governs the powers of search and seizure that may be exercised by correctional and health care personnel. In general terms, the Regulation requires all searches (other than those upon admission or transfer) to be justified by proof of probable cause and prohibits cross-gender searches except those conducted by health care professionals or those conducted in emergency searches which are directed towards the detection of dangerous or harmful contraband.

Article 9 – Separation from Parents

Department of Solicitor General

1203. The *Provincial Offences Procedure for Young Persons Act* provides for a role for parents in criminal and quasi-criminal proceedings involving children; parents must be notified upon arrest and involved in adjudication and in the determination of disposition based upon psychological assessment and pre-disposition reports. The extent of parental involvement is reflected in the legislative provisions. The Department encourages the maintenance of contact between sentenced children and parents through visits and involvement of parents in the fulfillment of non-custodial sanctions, where appropriate and in the best interests of the child.

1204. Parents of youth in secure custody currently are advised of any incidents involving their child that occur in the secure custody institution, e.g. a fight. Furthermore, youth are encouraged to use a call-collect phone service to contact their parents whenever they feel the need to do so. In addition, the New Brunswick Youth Center at Miramichi has two suites for visitors. The Department ensures that not only are the parents aware of the existence of this free service but that they are encouraged to come to the institution for a 2 or 3 day visit in the suite with their child.

Article 10 - Family Reunification

Department of Health and Community Services

1205. The *Family Services Act* addresses the issue of reunification; long-term plans for children are always a priority and consideration is given to keeping children with their family or extended families, if at all possible.

Article 11 – Illicit Transfer and Non-Return

Department of Solicitor General

1206. The Department is currently working in co-operation with other concerned Ministries, such as the Department of Justice, in continuing to develop protocols on child abduction.

Article 12 – Views of the Child

Department of Solicitor General

1207. The *Provincial Offences Procedure for Young Persons Act* recognizes the right of the young person to express his/her views with respect and to be represented by counsel during the various stages of the criminal process. Subsequent to disposition, the young offender held in secure custodial facilities is entitled to express his/her views during any internal-decision making procedure which adversely affects his/her interests, as a component of basic doctrines of natural justice. This right is based upon section 2 (*b*) of the *Custody and Detention of Young Persons Act,* which provides that young persons have rights and freedoms in their own right, including those stated in the *Canadian Charter of Rights and Freedoms* and in particular a right to be heard in the course of, and to participate in, the processes that lead to decisions that affect them, and young persons should have special guarantees of their rights and freedoms.

1208. The scope of participation of youthful offenders in the internal administrative processes that adversely affect guaranteed liberty and security interests is defined in New Brunswick *Regulation 92-71*, enacted pursuant to the *Custody and Detention of Young Persons* Act. According to the *Regulation*, young persons are granted the right to participate in the following circumstances: disciplinary proceedings; application for release from secure custody; internal appeals and the grievance process.

Department of Justice

1209. Section 6(4) of the *Family Services Act* provides:

> "In any matter or proceeding under this Act affecting a child, whether before a court or any person having authority to make a decision that affects a child, the child has the right to be heard either on his own behalf or through his parent or another responsible spokesman."

Youth Council of New Brunswick

1210. Please see response under Article 4.

Department of Education

1211. New Brunswick has made formal provision under its *Education Act* for pupil involvement in an advisory capacity regarding educational matters. Within the new governance structure of the public education system, each school has a School Parent Advisory Committee whose function it is to advise the principal of the school respecting the establishment, implementation and monitoring of the school improvement plan. In schools where a high school program is provided, a pupil, elected by the pupils of the school, serves on the school parent advisory committee.

1212. Provincial policies which have direct impact on pupils, parents or communities are sent to the School Parent Advisory Committees for input. As indicated above, this provides an opportunity for (high school) pupils to voice their views through the pupil representative on the committee.

1213. Students also influence decisions regarding instruction, curricula and pilot, experimental and supplementary courses via representation on the Provincial Curriculum Advisory Committees (PCAC), which recommend policy with respect to these matters. Currently, students are represented on this committee through a member of the Youth Council of New Brunswick. Also, the *Education Act* provides for individuals and groups, including students and student bodies, to submit recommendations to the PCAC.

1214. Other approaches to obtaining input from pupils include:

- *provincial forums* to which students, student organization representatives and other groups are invited to participate. Two examples are the forum which was held to examine restructuring of the province's high school program and another, held in November 1999, explored several issues grouped under the headings of: focus on the learner; educational transitions; and literacy/numeracy;

- student or student association *participation on advisory committees/task forces*. For example, the province recently amended its legislation concerning the school leaving age. The Youth Council of New Brunswick was invited to make recommendations to this group.

Articles 13, 14, 15, 16 and 17 – Civil rights and Freedoms; Freedom of Thought, Conscience and Religion; Freedom of Association and Peaceful Assembly; Protection of Privacy and Access to Appropriate Information

Department of Solicitor General

1215. Please see response under Articles 7 and 8.

Article 18 – Parental Responsibilities

Department of Health and Community Services

1216. The 1992 policy framework document, "Playing for Keeps: Improving Our Children's Quality of Life", identified values, beliefs and principles used by this government in relation to the roles of government and parents with respect to children. The 1994 policy framework document, "Foundations for the Future: A Proposed Framework for Family Policy in New Brunswick" recognized and encouraged the responsibility of the family for the safety, well-being, growth and development of children. Both these documents are consistent with the principles articulated in the UN *Convention on the Rights of the Child.*

Article 19 – Abuse and Neglect

Aboriginal Affairs

1217. Because the Federal Government has the lead responsibility for Aboriginal communities, the need for research on infant mortality and suicide in Aboriginal communities should be assessed by the Federal Government as well as by the aboriginal communities themselves. The Province is prepared to play a supporting role in relation to such research, whenever appropriate.

Department of Solicitor General

1218. The Department is party to interdepartmental Guidelines for Protecting Child Victims of Abuse and Neglect, which were developed in conjunction with the provincial *Family Services Act*. The guideline provides a comprehensive regime to respond to prevention, identification, reporting, referral, investigation, treatment and follow-up of allegations of child abuse.

1219. Under the *Family Services Act*, it is mandatory for all police and correctional officers to report all instances of suspected child abuse. Children held in provincial correctional facilities are entitled to be protected from abuse and other forms of mistreatment. Departmental social workers and the Youth Advocate monitor the conditions of confinement and in addition, the Provincial Ombudsman is authorized to investigate and respond to complaints from young offenders about treatment and institutional policies.

Department of Justice

1220. In addition to the interdepartmental Guidelines for Protecting Child Victims of Abuse and Neglect, the public, as well as policing services and other government and non-government agencies, have access to publications distributed by the Public Legal Education and Information Service of New Brunswick (PLEIS-NB). PLEIS-NB is a non-profit organization and a registered charity with a mandate to develop a variety of bilingual educational products and services about the law for the public in order to promote access to the legal system. PLEIS-NB distributes publications in the following areas that may be relevant to children's rights: Criminal Law, Family Law, Family Violence, School Law, and Violence in Schools.

1221. Statistics from the 1997-1998 Annual Report of PLEIS-NB indicate that the RCMP and other Police Forces distributed 7.12 percent of the total number of PLEIS-NB publications distributed in the past year. The highest percentage of publications distributed, at 69.4 percent, by the RCMP and other Police Forces were in the area of Family Violence (including *Child Abuse: Recognize it, Report it, Prevent it*, November 1998). Publications on Violence in Schools (including *Sexual Harassment in School: It's No Joking Matter*, October 1996 and *Dating Violence*) accounted for 18.8 percent of publications distributed by the RCMP and other Police Forces.

1222. PLEIS-NB also has available a video lending library. Many of these videos deal with children's issues, including in the areas of *Children: Youth and the Law* (*Hey I've Got Rights*, *Judge for Yourself*, *Law for Young People*, and *The Law of the Land: A Criminal Code for Kids*), *Children: Human Rights* (*Keys*, *Playing Fair*, and *Rights from the Heart*—a collection of animated film inspired by the United Nations *Convention on the Rights of the Child*), *Child Abuse* (*Put the Child First: Train the Trainers Program*), and *Dating Violence* (*Right from the Start*).

1223. The PLEIS-NB, in addition to publishing in the areas of Family Violence and Violence in Schools, also publishes extensively in the area of Family Law. Publications in this area include a number on child and spousal support, *What Parents Should Know About Child Protection*, *Custody and Access in New Brunswick*, and *Who's Minding the Kids?* (A Parent's Guide, A Sitter's Guide, and A Home-care Guide). Further, as a member of the Atlantic Regional Coordinating Committee on Crime Prevention and Community Safety, PLEIS-NB works to ensure that the Committee has a variety of contacts in New Brunswick with criminal justice system representatives, and the social welfare and social service sectors.

1224. Regarding young persons who are in open or secure custody either in correctional institutions or in group homes, both the Department of the Solicitor General (which operates a secure custody youth correctional institution) and the Department of Health and Community Services (which operates open custody group homes) have policies prohibiting the use of corporal punishment as a disciplinary measure. Furthermore, the Department of the Solicitor General has in place mechanisms whereby young persons in custody are encouraged to report any incidents of alleged ill-treatment of themselves or any young persons in custody.

1225. With respect to child abuse and violence within the family, the Department of the Solicitor General has adopted the New Brunswick Child Victims of Abuse Protocols, which give direction to correctional officers, police, social workers, teachers, health professionals (essentially every professional resource either employed or accessed by the Department of the Solicitor General in providing services which involve young persons). These protocols, which are reviewed periodically, have been helpful in sensitizing the professions to the issues surrounding the abuse of children and, most notably, the sharing of information among professionals, including the legal requirements of reporting suspected cases.

1226. The NB Department of Health and Community Services is conducting a comprehensive review of child welfare in the Province of New Brunswick. As well, protocols have been developed to help staff recognize and respond to cases of institutional abuse (Child Abuse Protocols, 1995). Corporal punishment is prohibited in schools by policy of the Department of Education.

Youth Council of New Brunswick

1227. The government of New Brunswick is currently reviewing the establishment of a Child Advocate. The Council would like to see this service established in the near future.

Article 20 – Children Deprived of a Family Environment

Department of Health & Community Services

1228. The *Family Services Act* provides for the protection of children whose parents cannot adequately ensure care for and control of their children. If the security and development of the child is found to be in danger, the child *may be considered to be in need of protection.* This *could* lead to providing more resources to the family or it may require the removal of the child from the care of the parents. A system of foster care, which may include the home of a relative, is in place to provide the substitute care. This may include group homes and/or treatment facilities and an adoptive home if the courts grant guardianship on behalf of the child.

Department of Solicitor General

1229. The Department does provide special protection and assistance to children deprived of a family environment through police investigation for child sexual abuse, special services to child victims and rehabilitation programs for institutionalized youth. However, the Department of Health and Community Services provides special protection services directly for children in need of protection.

Youth Council of New Brunswick

1230. Please see response under Article 2.

Article 21 – Adoption

Department of Health and Community Services

1231. The Family and Community Social Services Division has introduced various strategies into the pre-decision counseling services that are offered to birth parents to increase the participation of the birth father in the planning for the future of the child, including adoption. The standards, legislation and regulations regarding adoption strive to protect all parties involved in adoption including the child, the birth parents and the adoptive parents.

Article 22 – Refugee Status

Department of Human Resources Development and Housing

Human Resources Development

1232. The Committee recommends that the State party pay particular attention to the implementation of article 22 of the Convention, as well as of the general principles of the Convention, in particular the best interests of the child and the respect for his or her views, in all matters relating to the protection of refugees and immigrant children, including in deportation proceedings. The Committee suggests that every feasible measure be taken to facilitate and speed up the reunification of the family in cases where one or more members of the family have been considered eligible for refugee status in Canada. Solutions should also be sought to avoid expulsions causing the separation of families, in the spirit of article 9 of the Convention. More generally, the Committee recommends that the Government address the situation of unaccompanied children and children having been refused refugee status and awaiting the deportation in light of the Convention's provisions. Deprivation of liberty of children, particularly unaccompanied children, for security or other purposes should only be used as a measure of last resort in accordance with article 37 (*b*) of the Convention.

Article 23 – Disabled Children

Department of Health and Community Services

1233. The Integrated Day Care component of ECI is designed to: (1) ensure the child's full participation in developmentally appropriate child care services; (2) improve childhood outcomes among high priority children; and (3) enhance the child's readiness for public kindergarten.

Department of Education

1234. Since the early 1980s, the Province of New Brunswick has worked on ensuring the inclusion of children with exceptional needs in the regular classroom setting. In 1994, the Department of Education published a document entitled "Best Practices for Inclusion." The purpose of that document was to provide a basis for assessing the quality of district, school, classroom and individual programs and services provided to the exceptional child. In

February 1997, the Province of New Brunswick introduced the *Education Act (*which replaces the *Schools Act).* This act guarantees free public education to all school aged children who are residents of the province. For those children who are considered exceptional, the province guarantees the development of a special education plan that identifies goals, objectives, and educational planning based on the student's individual needs. Parents are guaranteed the right to be consulted during the process of developing educational programming for their exceptional child.

1235. To ensure appropriate service to exceptional pupils, school districts employ resource teachers, teacher's assistants and classroom attendants. These persons work with classroom teachers and directly with pupils. Pupils with hearing, vision and other physical disabilities are provided technological aides free of charge to enable them to participate in the regular classroom environment.

Article 24 – Health and Health Services

Department of Health and Community Services

1236. The Early Childhood Initiatives is a province-wide prevention strategy for improved pregnancy outcomes and the improved health and well-being of children and their families. Universal screening at birth ensures the identification of high priority children and a constellation of health and social services are delivered until the age of school entry.

1237. This description conveys the range of services provided:

1. Enhanced Prenatal Screening and Intervention in order to increase healthy pregnancy outcomes.
2. Enhanced Postnatal Screening and Intervention in order to enhance factors and conditions known to foster health growth and development.
3. Preschool clinics at 3.5 years of age in order to support the healthy growth and development of preschool children.
4. Home-based Early Intervention Services aimed at improving childhood outcomes and enhancing family self-sufficiency.
5. Integrated Day-Care Services whose goals are the full participation of the high priority child in developmentally appropriate child care services, and improved childhood outcomes among high priority children.
6. Social Work Prevention Services whose goal is the secondary prevention of the abuse and neglect of children, through the strengthened parenting competencies of high priority parents.
7. Home Economics Services whose goal is to improve family functioning by enhancing skills of priority families in the areas of resource management and family development.

Department of Solicitor General

1238. *Regulation 92-71* pursuant to the *Custody and Detention of Young Persons Act* requires that superintendents of youth custodial facilities arrange for the young person to undergo such medical, psychiatric, psychological and dental examinations and treatment as appear necessary upon admission to the facility. The Regulation empowers supervisors of youth custodial facilities to establish medical and dental treatment programs and provide any necessary facilities, equipment, prostheses and other required devices or aids as well as counseling programs.

1239. Youthful offenders held in secure custody facilities operated by the Department of the Solicitor General enjoy access to full-time nursing care. The Department also retains the services of physicians including 2 psychiatrists on a contractual basis who make regular visits to the New Brunswick Youth Center and are available during emergencies. In addition, there are 2 full time Social Workers and a full time Psychologist on-site at the New Brunswick Youth Center.

Article 25 – Periodic Review of Placement

Department of Health and Community Services

1240. The *Family Services Act* prescribes a periodic review of the situation of children placed under the care of the Department. This can include a quarterly review for children placed in temporary care and an annual review for children in the care of guardians. The Act also limits the custody order to a period of six months, with extensions to a cumulative amount totaling 24 months. Agreements also fall under the same restrictions.

Department of Solicitor General

1241. Department officials regularly monitor the location, classification and conditions of confinement of institutionalized youth pursuant to the statutory obligations imposed by the *Young Offenders Act.*

Article 26 – Society Security and Childcare Services and Facilities

Department of Health and Community Services

1242. The Office for Childhood Services revised the Day Care Facilities Standards in 1993 to improve access to regulated day care for children with developmental delay or at risk of developmental delay.

Article 27 – Standard of Living

Department of Health and Community Services

1243. Children's right to an adequate standard of living is addressed in the *Family Services Act,* which stipulates when a child may be in need of protection.

Department of Education

1244. The Department has organized a number of summer institutes for teachers focusing on the issues of child poverty and how they impact the learning environment. A recently released document by the Department of Health and Community Services is shedding new light on the demographics through an environmental scan of the nature of child poverty in New Brunswick. This information, which will be shared with school district officials, will help to focus educational initiatives and efforts for a number of students. Also, the Department of Education is revising its agreement with the Department of Health and Community Services through which the latter supplies the services of psychologists, social workers, speech and language pathologists, occupational therapists, physiotherapists and nurses. These services provide assistance to pupils, teachers and parents to assist the functioning of pupils in the school environment.

1245. New Brunswick is currently evaluating and redesigning its social policy framework. One of the significant outcomes expected from this work is better service integration, based on meeting client needs in a holistic manner.

1246. The Department's efforts to provide breakfast and lunch programs to students in need are ongoing. To this end, a sum of $300,000 annually has been designated since 1992 for nutrition initiatives within the New Brunswick public school system.

Department of Human Resources Development and Housing

Human Resources Development

1247. Please see the responses under Articles 2 and 4.

Housing

1248. It is clear to most people that good housing is important for children's health and development. Stable and affordable housing is related to positive outcomes for children in a number of ways. These factors are related to housing as shelter.

1249. We use the term, "social housing" in reference to shelter that is subsidized and provided to targeted households in the province. Presently in New Brunswick there are 14,100 social housing units and another 3,800 social housing beds.

1250. It is important for children to have adequate, uncrowded, affordable and stable shelter in order to thrive. Once that is taken care of, there is another fundamental level on which housing has a strong influence on children's development. Housing is also a social structure that must be taken into account. Poor housing environments reinforce low social status. They foster isolation and prevent people from taking on meaningful roles that raise their social opportunities and social status. Research in social housing communities has shown that residents who have a clear sense that they can influence their housing environment through self-management or through tenant participation have higher levels of well-being and are more likely to feel that their housing is healthy for themselves and their children.

1251. The Department of Human Resources Development and Housing is in the process of developing a new approach to social housing termed, Transition Planning. This new initiative, together with the existing Community Development Program, plays an important role in increasing client self reliance by providing more opportunities for tenants to become involved in determining their future. Through Transition Planning, social housing tenants will be supported in their efforts to become more self sufficient and experience a better quality of life in the social housing environment, as their needs and goals change. As part of transition planning, targeted tenants who are able, will be assisted to make the transition from subsidized units to other less subsidized options, to private sector accommodations or home ownership.

Youth Council of New Brunswick

1252. Please see response under Article 2.

Article 28 – Educating, Including Vocational Training and Guidance

Department of Solicitor General

1253. Education is perceived as a vital component in the rehabilitation of the young offender. Therefore, *Regulation 92-71*, enacted pursuant to the *Custody and Detention of Young Persons Act*, provides that institutional supervisors may establish and provide compulsory or voluntary educational programs appropriate to the needs of each young person. Young offenders resident in open custodial facilities are granted temporary releases in order to attend school. During such releases, the youth is supervised by the operator of the open custody facility in conjunction with the *Young Offenders Act* Social Worker and Youth Worker.

1254. Youth in secure custodial facilities have on-site access to school educational programs. The content of such programs, which has a both an academic and vocational component, has been approved by the Department of Education and is comparable in quality to that of a regular school system. The Department is an active participant in the Youth Strategy Program. Through a contractual arrangement with the Department of Education, five academic teachers have been hired full-time to work on-site in the New Brunswick Youth Center. The emphasis of the Youth Strategy Program is upon academic upgrading and literacy training with appropriate linkages upon release from incarceration to other governmental education and job-training programs.

Article 28, para. 1 (*a*)

Department of Education

1255. The New Brunswick *Education Act* requires the Minister of Education to provide free school privileges to all residents aged 5 to 21 years until they meet graduation requirements. It further requires children to attend school from the age of five until they graduate or attain the age of 16 years. The legal school leaving age will become 18 years as of July 1999.

Article 28, para. 1 (*b*)

1256. The New Brunswick Department of Education provides a solid, common, core curriculum for pupils in the early grades. This provides a broad experience and includes all aspects of education including career preparation and the development of work-related skills. At grades 10, 11 and 12 opportunities exist for students to choose a focus for their studies. Many choose to explore vocational courses and other practical experiences through one or more school-to-work transition initiatives. In order to ensure equal opportunity to all students, some courses are offered free of charge through distance education.

Article 28, para. 1 (*c*)

1257. The Department of Education, Post Secondary Student Services Branch, offers student financial assistance programs to ensure that financially needy New Brunswick students have access to post secondary educational opportunities and that they are encouraged to complete their studies in a timely and successful manner. Loans and grants are available to assist students with the costs of their post secondary education. Two repayable loans, the Canada Student loan and the New Brunswick Student loan, are augmented by several non-repayable grants. There are four separate Canada Study Grants targeted to: students with dependents; disabled students; high need, part time students; and women doctoral students, as well as the New Brunswick Bursary. Any New Brunswick resident accessing a designated post secondary educational institution is eligible to apply for student financial assistance.

Aboriginal Affairs

1258. Good progress has been made in improving access of aboriginal children to education, largely due to the Department of Education's Mi'kmaq and Maliseet education policy. Initiatives under this policy, which is in the process of being implemented, include:

- offering courses in Mi'kmaq and Maliseet in select public schools;
- units of study with Aboriginal content are being developed;
- materials with Mi'kmaq and Maliseet content are being developed;
- the "Circle of Understanding" program which is being implemented introduces the Aboriginal perspective into the classrooms by inviting Elders and community members to the public schools;
- "Native awareness week" is sponsored at various public schools throughout the year.

1259. With regard to housing, an Aboriginal-owned non-profit organization, Skigin-Elnoog, administers provincial housing programs through arrangements with the Department of Human Resources Development and Housing and the Department of Municipalities. These programs are available to Aboriginal people who are not living on Indian reserves. Housing for Aboriginal people living on Indian reserves is the responsibility of the Federal Government.

Article 29 –Aims of Education

Department of Solicitor General

1260. Please see response under Article 28.

Article 29, para. 1 (*a-d*)

Department of Education

1261. The following are examples of specific outcomes related to Article 29 which New Brunswick students are expected to master in order to graduate from high school.

Citizenship, Power, and Governance

1262. Students will be expected to demonstrate an understanding of the rights and responsibilities of citizenship, and the origins, functions, and sources of power, authority, and governance.

Culture and Diversity

1263. Students will be expected to demonstrate an understanding of the concept of culture, the diversity of culture, and views of the world, recognizing the similarities and differences resulting in various cultural perspectives.

Interdependence

1264. Students will be expected to demonstrate an understanding of global connections and the causes, consequences, and possible solutions to global issues.

Individuals, Societies, and Economic Decisions

1265. Students will be expected to demonstrate the ability to make economic choices as individuals and as members of society based on their understanding of economic concepts, principles, and systems.

1266. New Brunswick has also been fostering a co-operative learning approach within its curricula and classrooms whereby all students assume a participatory role. Groupwork and sharing are supported through teaching strategies, resource materials, and teacher training.

1267. Under the auspices of the CMEC, a proposal has been prepared for the *Pan-Canadian Framework of Learning Expectations for Citizenship Education*. Alberta and New Brunswick have been acting as lead jurisdictions in the development of the proposal. The intent of the project is to provide guidance for the integration of citizenship education into subjects, grade levels, and school activities in each jurisdiction. It will include general learning expectations for K-12 and specific learning expectations for grades 3, 6, 9, and 12.

Article 29, para. 1 (*e*)

1268. Students, beginning in Kindergarten, are provided with opportunities to learn about, and gain respect for, our natural environment. This happens both formally through the curriculum and informally through various activities in the school. In the science curriculum, emphasis is placed on understanding connections between science, technology, society and the environment. Several workshops have been offered in the province for teachers regarding sustainability of the environment and how to develop learning around this theme. These efforts are intended to help teachers and students appreciate the "trade-offs" implicit in economic development and environmental/resource protection. Informally, many schools are involved in re-cycling efforts and energy reduction projects and host a variety of environmental clubs. Students have a greater awareness of environmental issues now than at any other time.

Youth Council of New Brunswick

1269. The Council recommends that there be more focus on human rights, and legal rights and responsibilities, provided through the public school curriculum. Complementary to these studies should be a general appreciation of responsible citizenship as well as an emphasis on leadership development.

Article 30 – Children Belonging to a Minority or Other Indigenous Group

Department of Solicitor General

1270. The policies of the Department of the Solicitor General governing the treatment of youthful offenders respect the linguistic and cultural heritage of children. Programs are offered in both official languages. *Regulation 92-71* enacted pursuant to the *Custody and Detention of Young Persons Act* ensures respect for the religious views of the child. Through contract with the Department of Health and Community Services, the Department of the Solicitor General also administers an open custody group home for aboriginal offenders. In addition, the Department employs two native probation officers, one of whom is employed exclusively in providing on-reserve probation services for both adult and young offenders. The Department is developing further programs specifically for adult and young native offenders.

1271. With respect to policing, the federal government issued the First Nations Policing Policy in 1991. This policy allocated more money to the improvement of existing on-reserve policing services and the development of new native-specific law enforcement strategies. The First Nations Policing Policy, which places strong emphasis on professionalism, cultural sensitivity, and community involvement, will serve to improve the level and quality of on-reserve policing services through the establishment of policing agreements between the federal and provincial governments, and the First Nations community or regional organization.

1272. The purpose of the First Nations Policing Policy is to improve the administration of justice, the maintenance of social order, public security and personal safety in on-reserve communities. As such, one of the objectives is to provide First Nations communities with police services which are suited to their needs and that respect their culture and beliefs. It is felt that this will have a positive impact on members of the community, including children, as it will provide First Nations communities with policing services that are administered in a culturally sensitive and fully professional manner.

Article 31 – Leisure, Recreation and Cultural Activities

Department of Solicitor General

1273. *Regulation 92-71* enacted pursuant to the *Custody and Detention of Young Persons Act* permits supervisors of youth custodial facilities to establish voluntary recreational programs and voluntary social and entertainment programs that are appropriate for young persons.

Department of Education

1274. The school curriculum provides opportunities for students to learn through play and to engage in play and recreational activities. Curricular and extra-curricular activities in reading, drama, music, art, physical education and health and sports, for example, expose students to potential leisure pursuits and avocations.

1275. Cultural pursuits related to language, art, music, drama and dance as well as multi-cultural experiences are part of the common curriculum from kindergarten to high school. In addition, physical education, health, safety and nutrition are also part of the student's school experience. The right to leisure, cultural activities and participation in arts and recreation is part of the mission statement for the Department of Education.

Youth Council of New Brunswick

1276. Alcohol and drug use is often the result of boredom and the lack of recreational programs and facilities for young people. A Maison des Jeunes/Youth Centers under the direction of young people, offering a variety of services and activities, nights and weekends is an ideal way to answer these needs. The Council recommends that there be more proactive steps taken to ensure the establishment and continuity of Maison des Jeunes/Youth Centers and that municipalities ensure that youth program coordinators are hired to manage "for youth by youth" initiatives. Maison des Jeunes/Youth Centers also serve as ideal venues from which to disseminate a variety of information about program and services available to youth.

Article 33 – Drug Abuse

Department of Health and Community Services

1277. The responsibility for adequate care and control of children is the responsibility of parents. If they are found unable or unwilling to fulfill this responsibility, the state will step in to offer protective measures for the child.

Department of Solicitor General

1278. Municipal police forces and the RCMP participated in PACE (Police Assisting Community Education), a province-wide educational program aimed at grades 5-9 which involves periodic school visits, exhibition of video materials and distribution of literature by the local police and RCMP to explain drug laws, educate children in relation to drug abuse, prevent such abuse and develop alternate strategies.

1279. Through their participation in the National Drug Strategy, municipal police forces and the RCMP are actively involved in crime prevention programs (such as Crime Stoppers) and assist in Drug Awareness through school visits and the Huggy Bear Program (Hugs Not Drugs). Programs directed at youthful offenders administered by the Department of the Solicitor General include drug and alcohol counseling and treatment.

Youth Council of New Brunswick

1280. Please see response under Article 31.

Article 34 – Sexual Exploitation and Sexual Abuse

Department of Health and Community Services

1281. The *Family Services Act* prescribes certain measures to protect children from exploitation. These include: mandatory reporting of suspicious child abuse; program standards which outline the responsibilities of the Minister in relevant situations; day-care regulations which include standards and licensing; and Guidelines for Protecting Child Victims of Abuse and Neglect; these involve joint investigations by police and social workers and also provide for appropriate follow-up.

1282. There are also community-based initiatives which have the objectives of preventing child abuse and exploitation and protecting children.

Department of Solicitor General

1283. Members of police forces are obligated to report suspected child abuse and neglect (including sexual exploitation), as stipulated in the *Family Services Act*. The Act designates that both the police and Child Protection Workers with the Department of Health and Community Services are responsible for investigating cases of suspected child abuse. The role of the police is to determine the existence of criminal activity while the role of the Child Protection Worker is to determine if the security and development of the child is in danger. The protection of the child should be of primary concern to both the police and the Child Protection Worker.

1284. Further, the Department plays a role in the protection of children against all forms of sexual exploitation and abuse through its enforcement of the *Provincial Guidelines for Protecting Child Victims of Abuse and Neglect*. The Department has internal institutional policies, which recognize the right of institutionalized youth to be secure against sexual abuse while confined, and which provide a mechanism for reporting and disposing of allegations of abuse.

Article 35 – Sale, Trafficking and Abduction

Department of Solicitor General

1285. The Department participates in the Ident-a-Kid program in conjunction with community agencies and is involved in the development of interdepartmental protocols pursuant to the *Convention on the Civil Aspects of International Child Abduction.*

Article 36 – Other Forms of Exploitation

Department of Solicitor General

1286. The legislation in Canada allowing corporal punishment of children by parents or schools or in institutions is found in Section 43 of the Criminal Code. The United Nations Committee has recommended that physical punishment of children be prohibited. Substantive criminal law and procedure in Canada is a federal constitutional responsibility. Nevertheless, initiatives by the federal government to amend the criminal law normally are the product of a consensus among the provinces and the federal government. New Brunswick has not officially pronounced on the question of the desirability of retaining the protection to parents and teachers etc. in Section 43 of the Criminal Code. Normally on a significant policy issue such as this, there would be public consultation and debate before the Province would make any recommendation to the Federal Government.

Department of Justice

1287. The Interdepartmental Committee on Family Violence produced an advertising campaign and put a toll free telephone line in place regarding child abuse in 1997. The aim of the campaign was to alert the public to the seriousness of the issue and to allow people to report suspected incidents of child abuse through the toll-free line.

Article 39 – Physical and Psychological Recovery and Social Reintegration

Department of Health and Community services

1288. The intent of the *Family Services Act* is to promote physical and psychological recovery of abused children through family integration or reintegration. The focus of the Act is with regards to social reintegration in the family unit.

Article 40 – Administration of Juvenile Justice

Department of Solicitor General

1289. The combination of the *Canadian Charter of Rights and Freedoms,* the *Young Offenders Act* and the *Provincial Offences Procedure for Young Persons Act* ensures that young persons enjoy the full range of procedural guarantees available to adults in the criminal process and, in certain instances, due to their special needs, may be vested with procedural rights which are superior to those possessed by adults.

1290. Incarceration is regarded as a sanction of last resort under the *Young Offenders Act* and the *Provincial Offences Procedure for Young Persons Act*, both of which stipulate that young persons enjoy rights, including the right to the least possible interference with freedom which is consistent with the protection of society, having regard to the needs of young persons and the interests of their families. Consistent with this principle, Youth Courts, acting pursuant to the *Young Offenders Act* are empowered to order a wide range of dispositions.

Article 42 – General Measures of Implementation

New Brunswick Human Rights Commission

1291. The Education and Development Branch of the New Brunswick Human Rights Commission actively engages in a public education program, which includes the development of training materials and the dissemination of information on the rights of the child in school and other settings.

1292. Human rights educational materials produced by the Commission, include a three- part video series, *Foundations for Fairness*. Designed for use in the classroom, the videos are *What is Prejudice?* (22 minutes), which traces the development of prejudiced ideas from small children through to adults, while providing practical advice to combat prejudice and discrimination; *A Parable in Black and White* (5 minutes), which examines the nature and breadth of prejudice and *Masks*, a one minute public service announcement which illustrates the influence that adults have in the formation of prejudice. A study guide accompanies the video series.

1293. *Rights and Responsibilities: the 4th and 5th R's of Education, A Common Sense Guide to Human Rights Education*, is a 104-page teaching manual published by the Commission, designed to assist educators in the practical application of human rights principles in everyday settings and focuses on combating stereotyping, prejudice, discrimination and racism.

Article 42, para. 19

Department of Education

1294. In the summer of 1998, the first "Human Rights Institute for Teachers: Teaching For and About Human Rights" was held in partnership with the Atlantic Human Rights Centre at

St. Thomas University. This was offered as part of the Summer Institute program for practicing teachers, was very successful, and has been repeated in the summer of 1999.

NOVA SCOTIA

Introduction

1295. Nova Scotia contributed to the First Report of Canada in 1994. That contribution covered the period from the date of ratification, January 1992 to July 1993. Subsequent responses of Canada to the list of issues and questions submitted by the Committee have indicated changes to the laws of Nova Scotia to 1995.

1296. It is the objective of this submission to describe and bring up to date the description of law, regulation and policy made under the civil jurisdiction of Nova Scotia current to May 1998. The report focuses on legislative, regulatory and policy initiatives that have been implemented since the First Report. Most of these initiatives were in process before the receipt of the Concluding Observations of the Committee; however, where new initiatives of the Government of Nova Scotia are responsive to concerns raised by the Committee in the Concluding Observations of the Committee, it is so indicated in the report by highlighting

Definition of a child under the laws and regulations

Legal minimum ages

1297. The *Age of Majority Act* states that the age of majority in the Province of Nova Scotia is 19 years.

1298. The *Youth Secretariat Act* establishes the Secretariat as a focal point for the development of effective responses by Nova Scotia to the needs and aspirations of the province's youths. The Youth Secretariat, which defines "youth" as between 15 and 24 years, has an important mandate to include youths in making decisions which affect their population.

1299. The *Children and Family Services Act* defines a child as a person under the age of 16 years.

1300. Regulations made pursuant to the *Education Act* provide for compulsory education to all children who have attained the age of 6 years and who have not attained the age of 16 years. The *Education Act* also provides for free public education for children over the age of 5 and under the age of 21.

1301. The *Labour Standards Code* restricts the types of occupations in which and the hours of work during which children under the ages of 14 and 16 may be employed.

1302. The *Solemnization of Marriage Act* requires a license from all persons who wish to be married and to obtain a license a person must be 19. A person under 19 but over the age of 16 may marry with parental consent. Marriages of persons under the age of 16 shall not be solemnized without special application to a judge of the Family Court who must make a determination that it is expedient and in the interests of the parties to authorize solemnization of the marriage.

1303. The *Liquor Control Act, Tobacco Control Act* and *Gaming Control Act* prohibit the sale, supply or procurement of liquor, tobacco products or access to gambling for or by any person under the age of 19 years. A person who knowingly sells or supplies such products to any person under the age of 19 is subject to penalties including imprisonment.

General Principles

Article 2: Non-discrimination

1304. The *Nova Scotia Human Rights Act*, R.S.N.S 1989, as amended, provides protection to children and their families. The Act prohibits discrimination on the basis of age while allowing for exemptions for the purposes of providing of a protection or conferring a benefit to youth. Since 1991, the Act also prohibits discrimination on the basis of family status. This section was included to ensure that apartment owners could not operate adult-only buildings thereby refusing to rent to families with young children. Since its inclusion, the Human Rights Commission has investigated several complaints of this nature and three were referred to a hearing. Two were resolved to the satisfaction of the families prior to the commencement of the hearing. In the third complaint, the board of inquiry hearing the matter found that evicting a tenant because she had a young child was discriminatory.

1305. The Human Rights Commission has adopted a housing policy which clearly outlines the protection offered to children and their families. The policy is given broad circulation throughout the province to ensure it is well-known and applied.

Article 3: Best interests of the child

1306. In 1997, the *Judicature Act* was amended to create a Family Division of the Supreme Court of Nova Scotia, thus unifying the jurisdiction over family matters. The Family Division will utilize education programs on post-separation parenting, family mediation services and counselling. These programs will provide support and assistance to families to ensure that in custody and access disputes between parents, the best interests of the child are paramount.

1307. The Child and Youth Action Committee (CAYAC) is an inter-departmental working group of senior officials that provides a focal point for the coordination of cross-jurisdictional initiatives affecting children and youth. It was formed following the signing of a Memorandum of Understanding among the Ministers of Education and Culture, Community Services, Health, Justice, and Youth. Its purpose is to establish joint priorities, coordinate approaches to address inter-departmental initiatives, and evaluate the outcomes for children and youth in the province.

1308. Over the past 2 years, CAYAC has worked on developing a vision and action plan for children and youth services that is community-based and stresses inter-agency cooperation with a focus on improving the outcomes for all children and youth. Work has been done to coordinate a project in one area of the province which focuses on youth mental services and teen health centres and on promoting integrated child and youth services projects in other areas of the province. CAYAC also develops inter-departmental protocols regarding services to children and youth and provides a focal point for the review of various provincial services. That includes mental health services, early intervention services for special needs children, and other projects and initiatives that would benefit from inter-departmental collaboration.

1309. Legislation came into force in January 1997 providing for the exchange of information between adult adoption principals. Although the legislation relates primarily to the sharing of information between and among adult adoption principals and facilitating reunions between adult adoption principals, the Act also contains provisions relating to the sharing of information in respect of adopted persons who are under the age of majority where the information is necessary for the health, safety or well-being of that person. The Act provides for an adopted person, who is under the age of majority, to obtain information in respect of their birth family provided they have the written consent of their adoptive family. Once the person reaches the age of majority, they can obtain information about their birth family without the consent of their adoptive parents.

1310. Amendments to the *Children and Family Services Act* further strengthen the preservation of the cultural identity of children. The amendments require the Mi'kmaq Family and Children's Services of Nova Scotia to receive notice of proceedings involving a child who is known to be an Indian or may be an Indian. Further, the amendments require an agency to notify Mi'kmaq Family and Children's Services that the agency is entering into an adoption agreement with respect to child who is or may be an Indian child.

Article 12: Respect for the views of the child

1311. The *Children and Family Services Act* provides for the right of a child over the age of 16 to be a party to a proceeding with respect to the determination as to whether a child is in need of protection. The Act also provides for the court to order that a child 12 years of age or more be a party to such proceedings.

1312. Other amendments to the *Children and Family Services Act* strengthen the provisions relating to private adoptions to ensure that the best interests of children are served in private adoptions and ensuring that the person who will receive the child is a person who has been approved by a child placing agency as an approved adoption home.

1313. The *Children and Family Services Act*, provides that in situations where the person proposed to be adopted is 12 years of age of more, written consent of the child must be obtained.

Article 6: Right to life, survival and development

1314. The *Children and Family Services Act* was also amended to expand the definition of "child neglect." Prior to the amendment, child welfare agencies could only intervene in neglect cases where there had been actual harm to the child. Sometimes it takes years before neglect manifests itself in actual harm to children. This meant that agencies were precluded from early intervention in these situations. The amendment enables agencies to intervene when there is a "substantial risk of harm" to children. The amendment enables early intervention so that services can be provided to families and children.

1315. The Child Victim Witness Program, commenced as a pilot project in 1994, has been instituted province-wide. The program provides non-evidentiary court preparation to child victim and witnesses of crime and their supportive adult(s). The objectives of the program are to promote the rights of child victims of crime; to facilitate an awareness of child victims' needs within the criminal justice system; and to provide the support and information to children that will facilitate their giving evidence in criminal court.

Civil Rights and Freedoms

Article 7: Name and nationality

1316. The *Vital Statistics Act* provides for a child to be registered with the surname of either the mother or father. Births may be registered in a script or alphabet different from the Roman (English) alphabet used in Nova Scotia.

1317. See paragraph under Article 3 above in respect of rights of Aboriginal children.

1318. Linguistic, cultural and racial heritage as well as religious faith must be given due regard in determining the best interest of the child placed under temporary or permanent care and custody or adoption. Most agencies placing children for adoption will consider the child's background and the wishes of the biological parent.

Article 17: Access to appropriate information

1319. The *Freedom of Information & Protection of Privacy Act* applies to all Nova Scotians, regardless of age. It provides a public right of access to public records and provides individuals with a right of access to and a right to correction of personal information about themselves. There are limited exceptions to these rights of access. The Act also prevents the unauthorized collection, use or disclosure of personal information by public bodies and provides for the independent review of decisions made pursuant to the Act. It is the further purpose of the Act to provide for disclosure of government information to facilitate informed public participation in policy-making, fairness in government decision-making and to permit the airing and reconciliation of divergent views while protecting the privacy of personal information.

Family Environment and Alternative Care

Article 18, para. 1: Parental responsibilities

1320. The *Family Maintenance Act* provides that a parent or guardian of a child under the age of majority (19) is under a legal duty to provide for the reasonable needs of the child and for the payment of maintenance for dependent children and spouses where there is reasonable need for the assistance. In 1997, the *Family Maintenance Act* was amended to provide for the implementation of Federal Child Support Guidelines. The guidelines are based on the premise that both parents have a financial responsibility to care for their children following family breakdown, and provide a fair, objective and consistent standard for determining levels of child support. The guidelines give priority to child support over other financial obligations and ensure that children continue to benefit from the financial means of both parents after separation or divorce. It is anticipated that, by making the calculation of child support more objective, the guidelines should reduce conflict and adversarial litigation.

1321. In Nova Scotia, in the 1996-1997 fiscal year there were 111 adoptions: of those, 33 were agency adoptions; 69 were family adoptions; and, 9 were private placements, i.e., placements with non-relatives.

1322. The *Family Orders Information Release Act* provides for the enforcement of court orders respecting children and support obligations by providing for the release of information which may assist in locating children, defaulting spouses or other persons. Under the *Testators Family Maintenance Act*, there is authority for a judge to order adequate provision for the maintenance and support for dependents and children where the testator dies without having made adequate provision in a will.

Article 27, para. 4: Recovery of maintenance

1323. The Province of Nova Scotia enacted new legislation, the *Maintenance Enforcement Act*, in January 1996 to provide for more effective mechanisms to ensure that court-ordered support payments are paid in full and on time. The legislation provides for a comprehensive array of enforcement actions which can be taken by the government-operated Maintenance Enforcement Program to address non-payment: i.e. default letters, garnishment of income sources, demands for financial disclosure, property liens, examination of payors and revocation of motor vehicle privileges. The *Maintenance Orders Enforcement Act* provides for the reciprocal enforcement of maintenance orders in situations where the parties to maintenance orders reside in different jurisdictions. At present, Nova Scotia has agreements with all other Canadian provinces and territories, with 35 American states and with 13 other countries. A review of the program has been conducted with a view to improving service delivery.

Basic Health and Welfare

Article 6: Right to life, survival and development

1324. The Department of Community Services is involved in a number of partnerships focusing on prevention and early intervention. The Department is partnering with other departments of government, community agencies and private foundations. For example, $50,000 has been obtained from the Canadian Living Foundation National Board to provide funding to communities for nutrition programs. An early intervention program consisting of an array of home visiting, assessment, child care, language development and family support is being piloted in 2 sites in Nova Scotia and this is a collaborative arrangement involving the Department of Community Services, Department of Health, Regional Health Boards and community agencies. Funding has been obtained from the Lawson Foundation, a project to provide language and cognitive development for children up to the age of 4.

1325. Nova Scotia has 34 family resource centres located throughout the province. The centres strive to reach out to parents who are "overburdened" and lack access to resources. The program emphasizes family strength and promotes networking of parents in their neighbourhoods and communities. The centres offer a range of programs including parent education, prenatal education, anti-violence awareness, nutrition and cooking program, clothing exchanges, toy lending libraries and resource materials.

1326. The Province of Nova Scotia is currently engaged in a major social assistance restructuring initiative. A major initial part of this restructuring occurred on April 1, 1998 when the Province of Nova Scotia assumed responsibility for the delivery of the Social Assistance Program which provides assistance to individuals and families for a short term, intermittent term and, in some cases, a long term basis who are considered to be in financial need. As part of social assistance restructuring, the Province has developed and implemented a standardized service delivery model for the delivery of the Social Assistance Program. Prior to this change, general assistance was delivered by individual municipalities.

1327. Of the 25,200 social assistance beneficiaries, 10,700 are children. The Social Assistance Program may also provide to eligible individuals, including the marginally employed, financial assistance for special needs. A component of the Social Assistance Special Needs Policy as well as the Family Benefits Program is the ability to provide a maternal nutritional allowance ($29.00 per month) to recipients who are pregnant or for 4 months following the birth of their child. A referral is made for individuals who wish to receive nutritional counselling and support to the Department of Health, Public Health Services.

1328. Financial aid is also provided to needy persons under the *Family Benefits Act* which has as its purpose the provision of assistance to persons or families in need where the cause is likely to be of a prolonged nature. Approximately 57 percent of recipients of this assistance are adults with disabilities which will prevent them from being employed for at least one year. Single parents make up 43 percent (approximately 26,000 children) the remaining 1 percent are senior citizens.

1329. Nova Scotia has established a new Nova Scotia Child Benefit program, which will provide extra money for families in the lowest income brackets. This will be available whether people are working or not. This benefit will be targeted to families whose gross income is under $16,000. Those eligible will receive an annual benefit per year for the first child, with lower amounts for the second child and subsequent children.

1330. Nova Scotia will also allocate funds for a range of Healthy Child Development initiatives to help overburdened families in many circumstances:

- Building on the current established partnerships, parent education programs, and parent support programs, will enhance community-based prevention efforts across the province;
- Early intervention programs to serve children with special needs in the preschool years, will enhance existing programs and provide services for additional special needs children in under-serviced areas;
- Strengthening the current infrastructure, introducing additional subsidized spaces and supporting children with special needs will add subsidized child care spaces and portable child care spaces for special needs children in centres across the province;
- Expanded child care options for low-income rural Nova Scotians who are working, looking for work, or training for employment opportunities. This will include the development of a regulated, family child care system, which would ensure positive experiences for the children, training for care givers, and additional jobs for Nova Scotians.

The Healthy Child Development initiative will be offered through existing partnerships with public and private agencies.

1331. The province, through its Department of Health, provides for free medical care through its Medical Services program. The department also operates the Children's Oral Health Program (COHP). This program, in effect since 1 January 1997, provides diagnostics, treatment, and prevention services for children up to the age of 10. All Children are entitled to a dental examination and 2 radiographs a year without cost. Universal coverage is provided to children under 10 for caries prevention. The province, through non-governmental Regional Health Boards, operates a fluoride mouth rinse programs and public dental health awareness programs.

1332. The Maternal and Child Health Care Program is the primary prevention program of the Nova Scotia Department of Health. This program includes prenatal education in the homes and in clinics, post-natal and infant home visiting and health assessment and supervision throughout the province of Nova Scotia. Parents of all newborn children receive a pamphlet on proper nutrition care for young babies. The province is also piloting a program called Healthy Start, which provides in-home support to reduce the chance of child abuse in high-risk environments. Since June 1995, the Province's Home Care Nova Scotia program provides home support for chronic and acute care patients of all ages.

1333. The *Day Care Act* provides for the licensing of day-care facilities. Regulations governing child care facilities have a standard for the health and safety of children, the supervision of children, the number of staff and the training requirements for staff working with children. There are program and fiscal supports available for services for special needs children and children at risk. The discipline policy of the Department of Community Services in respect of the prohibition of corporal punishment is enforced in day-care-centres and strategies for disciplining children are utilized in child care facilities.

Education, Leisure and Cultural Activities

Article 28: Education, vocational training and guidance

1334. Regulations made pursuant to the *Education Act* provide for compulsory education to all children who have attained the age of 6 years and who have not attained the age of 16 years. The *Education Act* also provides for free public education for children over the age of 5 and under the age of 21.

1335. In the fall of 1996 the Province of Nova Scotia began the process of building a coordinated response to the persistently high rate of youth unemployment. An interdepartmental Working Group was charged with developing and implementing a provincial youth employment strategy through a process of research and consultation with youth. These projects test new approaches to meeting the employment needs of young people.

1336. Children of social assistance recipients are given an opportunity through a summer youth initiative to develop skills in the area of career exploration, job maintenance, leadership development and job search skills. Up to 200 children of recipients will be eligible to participate in this initiative in 1998. Also available for children of social assistance recipients between the ages of 8-16 is a project of assisting them in becoming entrepreneurs and developing entrepreneurial skills. They are linked with community mentors and provided with a small amount of seed money to allow for basic startup costs of a summer business initiative. Approximately 40 children will participate in this program.

1337. The Department of Community Services provides camping opportunities for over 900 children and adults through 3 residential camps and 7 youth camps.

Article 29: Aims of education

1338. A pilot project to incorporate children's rights education into the curriculum was conducted at several elementary schools during the 1997-98 academic year. Feedback from students, parents, and educators has been very positive; the curriculum resource is currently being revised as a supplement to Health and Social Studies curriculum at the Grade 6 level for introduction into all elementary schools in 1999. It will include topics such as children's rights and responsibilities related to active, healthy, lifestyles; personal safety; drug abuse prevention; and equity issues. The premise is that if children learn their rights and are treated with respect, they in turn will respect the rights of others.

1339. Public school education in Nova Scotia has two major goals: (1) to help all students develop to their full potential cognitively, affectively, physically, and socially; (2) to help all students acquire the knowledge, attitudes, and skills necessary for them to continue as thinking, learning, physically active, valued members of society. The Province believes that these goals can best be reached if school communities help students to develop in 6 areas of learning (aesthetic expression, citizenship, communication, personal development, problem solving, and technological competence).

1340. Children in Nova Scotia need to experience a learning environment that values activity and a healthy lifestyle. The primary aim of the physical education program from primary through the senior high schools is to help students participate in and develop a purposeful, physically active lifestyle that will enable them to experience a more enjoyable quality of life physically, mentally, emotionally, and socially. Nova Scotia is developing and implementing new initiatives in physical education and health to help meet these goals.

1341. Under the Act and Regulations pursuant to the *Education Act*, no person shall employ a child under the age of 15 years in any work during school hours. The Regulations permit the granting of an employment certificate to a child having attained the age of 15 years provided the school board is satisfied, after review and discussion with the student and the student's parents, that continued attendance in school is not beneficial to the student.

1342. The *Education Act* requires a parent providing a home schooling program to register the program with, and periodically report the child's progress to, the Minister of Education and Culture . The Minister may assess the child's educational progress and if the program does not satisfy the Act, or if the child is not making reasonable educational progress, the Minister may order that the parent not provide, or continue to provide, the program.

1343. Assessments developed in collaboration with the Atlantic provinces were designed to conform to guidelines prepared by professionals experienced in gender balance, multiculturalism, and race relations to guard against bias.

1344. The Principles of Education Funding were first established by the Education Funding Work Group in 1993. These principles are equity, adequacy, responsiveness, and accountability. They help to ensure that all students have access to quality programs regardless of where they reside in the province.

1345. An African-Canadian Services Division was established in 1996 in the Department of Education and Culture to meet the needs of African Nova Scotians and to develop an African Nova Scotian curriculum for Nova Scotia schools.

1346. On June 27, 1997, the Mi'kmaq Services Division was established to serve the needs of Mi'kmaq students in the public schools and for the development of a Mi'kmaq curriculum for use in the public schools.

1347. The Student Services Division has a multicultural consultant who works with school boards, multi cultural groups, and other education partners in developing anti-racist principles and a provincial race relations policy. All school boards have race relations officers in place.

Article 23: Children with disabilities

1348. The *Education Act* (1996) addresses the need for individualized programming for students with special needs. A Special Education Policy has been developed giving guidelines and procedures for school boards to follow in assessment, program planning, and evaluation for students with special needs. The policy emphasizes a team approach including parental involvement.

1349. The Atlantic Provinces Special Education Authority (APSEA) is an interprovincial cooperative agency which provides educational services, programs, and opportunities for persons from birth to 21 years of age with low incidence sensory impairment. Programs and services offered by APSEA are designed to support school districts in their service to children and youths who are deaf, hard of hearing, blind, or visually impaired and who are residents of Atlantic Canada. The agency continues to support students who can be successfully integrated into the public school system.

1350. In 1997, the Department of Community Services completed the relocation of 100 mentally and physically disabled children from institutional care to community based living arrangements.

1351. The *Provincial Parks Act* provides opportunities for exploration, understanding and appreciation of Nova Scotia's natural and cultural heritage through interpretation, information and educational programs. The parks are open to everyone for day use free of charge. Several have had facilities installed to make them accessible to persons with mobility restrictions.

Special Protection Measures

Article 37: Children deprived of their liberty

1352. The *Corrections Act* provides for the safe custody and security and rehabilitation of offenders and for the integration of offenders into the community while at the same time providing adequate safeguards for the public. Regulations under this Act provide that all persons deprived of their liberty shall be treated with respect for human dignity.

Article 40: Administration of juvenile justice

1353. The administration of the *Young Offenders Act* (which is federal legislation) is the responsibility of the provinces. Under this Act, young offenders are segregated from adults and treated appropriately to their age and legal status. In Nova Scotia, young offenders aged 12 to 17 are dealt with through the Department of Justice.

1354. The *Young Offenders Act* provides that the rights and freedoms of young persons include a right to the least possible interference with freedom that is consistent with the protection of society. Reflecting the belief that emphasis should be placed on community-based alternatives for young offenders, Nova Scotia has consistently had one of the lowest rates of youth incarceration in Canada.

1355. In 1997, Nova Scotia completed a comprehensive review of its alternative measures program. The evaluation concluded that the program was very successful in assisting in the rehabilitation of young offenders through its emphasis on responsibility, restitution and reconciliation.

1356. The Province of Nova Scotia recognizes the importance of culturally-specific programs to address the unique circumstances of aboriginal young offenders. The province and the federal government have provided funding for the operation of an Aboriginal Young Offenders Program, which uses healing circles and other traditional responses to promote reconciliation between young offenders and their community.

1357. The *Young Persons Summary Proceedings Act* establishes the procedures for dealing with juvenile offenders aged 12 to 17 who break provincial and municipal laws. Young persons under the age of 12 years may not be convicted of an offense. The Act provides for warnings, charges, or an alternative measures program similar to the alternative measures program under the *Young Offenders Act*. Alternative measures include rendering community service, writing letters of apology to the victims and researching and writing articles on crime and punishment.

Article 19: Protective measures

1358. The Province of Nova Scotia implemented a Framework for Action Against Family Violence in 1995. The Framework was designed to improve the response of the justice system to victims of spousal or partner violence. Pro-charge, pro-arrest, pro-prosecution policies were put in place and all justice workers in the province (police, Crown attorneys, court officials, corrections and victim service workers) received intensive training. Funding was provided to community agencies to provide enhanced victim support services. A tracking system was established to monitor the response of all justice components to incidents of spousal or partner abuse. Preliminary results from the tracking system indicate that charge rates have improved significantly. A primary rationale for the implementation of the Framework was the protection of children who are adversely affected by witnessing violence between adults with whom they are living. The Framework provides strict directives for police reporting of abusive situations to child welfare authorities in order to protect children.

1359. In partnership with volunteer organizations and police agencies, the province has implemented a protocol for screening volunteers applying to work with children and other vulnerable populations. The program involves police record checks and other collateral background checks as well as a training program and resource materials to sensitize volunteer organizations to the need to undertake intensive screening to protect vulnerable populations from potential abuse.

1360. In 1996, the Department of Justice in cooperation with the Office of the Ombudsman established a process to enable young people in the youth correctional system with a confidential process that facilitates a right to be heard with respect to complaints. This Registry of Complaints is in addition to existing policies that require all allegations of abuse alleged to have taken place at youth facilities to be investigated by relevant criminal and civil authorities.

Article 33: Drug Abuse

1361. The Department of Health sets standards for and funds non-governmental Regional Health Boards which operate hospitals, produce primary care plans, and provide pubic health and drug dependency services. Those Boards operate a specialized drug dependency service for adolescents who are harmfully involved with alcohol or other drugs. The Choices program is offered for youth aged 13 to 19 and their families. It offers a broad-based treatment approach which includes group, individual and family therapy, skill development, education, self-help, life-skills and leisure and recreational activities. The program services include the following: assessment; outpatient and inpatient program; day program; support group; one-day workshops; parent information program and other short intensive training programs.

Article 32: Economic exploitation

1362. The *Labour Standards Code* stipulates that children under the age of 14 may not work for more than eight hours in any day or for more than three hours on any school day unless the child has an employment certificate under the *Education Act*. Children under 14 cannot work after 10 p.m. and prior to 6:00 a.m. nor can they be employed to do work that is or is likely to be unwholesome or harmful to his or her health or development or interfere with school attendance. Children under 16 cannot be employed in an industrial undertaking, forest industry, garages and automobile services stations, hotels and restaurant, theaters, dance halls, shooting galleries, bowling-alleys, billiard and pool rooms or in the operation of elevators. The total hours of combined school attendance and employment cannot exceed 8 hours in any one day. The responsibility of ensuring that children do not work in contravention of the Code lies with the parents, who may be subject to fine unless they can demonstrate that the employment occurred without their knowledge or consent.

1363. The restrictions on the employment of children under the age of 16 in certain industries, as outlined in the *Labour Standards Code*, do not apply to the employment of such children by their parent or guardian.

1364. The *Child Abduction Act* provides for the enforcement of the *Convention on the Civil Aspects of International Child Abduction* through the Department of Justice.

Article 34: Sexual exploitation and sexual abuse

1365. The Department of Community Services provides funding for a safe-house for prostitutes in the Halifax Regional Municipality. The safe-house is for those women who wish to discontinue prostitution and who may need protection from their pimps, especially if criminal proceedings are underway in relation to their pimps. The safe-house is a model program which other jurisdictions have examined for the purpose of assisting them in developing similar programs.

1366. The Department also provides funding to Stepping Stone, the drop-in centre program for prostitutes where support is provided to prostitutes and assistance is given if they are interested in discontinuing prostitution.

Article 19: Protection from physical or mental violence, injury or abuse

1367. The Department of Community Services maintains a policy with respect to acceptable discipline practices by care givers for children in care and for all persons who apply to adopt or foster in Nova Scotia. This policy includes the prohibition of the use of all forms of physical punishment. This policy has been in effect in the foster care program since the early 1980s and was extended to the adoption program in 1992. This was undertaken as a result of the Department's joint commitment with other Departments to zero tolerance of family violence with respect to child abuse, spousal abuse and elder abuse. As physical punishment was prohibited by care givers in residential settings, group homes and foster homes who care for children in care, it was inconsistent to permit the use of corporal punishment when children were being adopted or placed in foster care. Furthermore, as the Department responsible for the protection of children from abuse, it was deemed very important to show leadership in this area. David Gill, one of the foremost researchers in child abuse has stated, "Systematic educational efforts aimed at gradually changing this aspect of child-rearing philosophy and developing clear cut cultural prohibitions and legal sanctions against the use of physical force in rearing children are likely to produce over time the strongest possible reduction of the incidence of physical abuse of children (GIL, 1974B:167)."

Article 39: Physical and psychological recovery and social reintegration

1368. The Department of Community Services has made a substantial increase in funding to the Phoenix Youth Programs organization. This is an organization located in the Halifax Regional Municipality and provides residential services, drop-in services, supervised apartment services and outreach program for street youth.

1369. The Department of Community Services conducted a major review of its placement services for youth in the province. As a result of the review, a report entitled "Too Good To Lose" was produced and the Department has now embarked upon major initiatives for the implementation of the recommendations contained in that report relating to the delivery of placement services for troubled youth. The recommendations include: the development of regional programs and services; partnerships with other Departments of Government, agencies, organizations and individuals; strategies which promote prevention and early intervention; and, a redesign of the foster care system.

PRINCE EDWARD ISLAND

1370. Prince Edward Island's contribution to *Canada's Second Report on the Convention on the Rights of the Child* will take the form of an update to the First Report.

General Measures of Implementation

1371. The Convention has been implemented through administrative, legislative, and judicial actions. The Government of Prince Edward Island believes that educating the public about these rights is an important part of the implementation process. School age children in the province learn about the Convention through the education system. The government celebrates Child Day every March 20, recognizing the rights of every child and the value children provide to society. This is also a day to reflect on the Convention and to ensure its objectives are being met.

Definition of the Child

1372. The *Tobacco Sales to Minors Act* (amended in 1995) prohibits the sale of tobacco to minors under the age of 19, up from the previous limit of 18. The *Victims of Family Violence Act* (proclaimed in 1996) defines "child" as one who is unmarried and under the age of 18. The Act also uses 18 as the watermark for child status under the law. The definition of 'age of minority' (18), from the *Age of Majority Act*, is also to be used in defining "adult,", "full age," "lawful age," "infant," "infancy," "minor," "minority," and similar expressions in other legislation where the words are undefined. The *Family Law Act* (proclaimed in 1994) does not place an age limit on its broad definition of "child." A child under this Act is someone whom a parent demonstrates an intention to treat as a child.

General Principles

Non-discrimination

1373. The *Human Rights Act* (amended in 1997) allows any person, who believes on reasonable grounds that the Act has been contravened, to file a complaint with the Human Rights Commission. The Act provides for a redress mechanism leading to a binding decision by a panel of the commission. The provincial public school system has also moved towards a model that includes students with learning disabilities in the classroom with other students.

Best interests of the child

1374. The "best interests" principle has been incorporated into relevant provincial legislation. The *Adoption Act* prohibits any adoption that is not in the best interests of the child. The *Intercountry Adoption (Hague Convention) Act* adopts the principles enunciated in the *Hague*

Convention. Through this legislation, the province commits to ensuring that intercountry adoptions are made in the best interests of the child.

1375. *The Family Law Act* provides for the granting of exclusive possession of the family home to one spouse, upon a breakdown in the marriage. The factors to be considered in this application include "the best interests of the children affected." Further, the Act provides that the court may disregard clauses in domestic (marriage) contracts which relate to the support, education, moral training or custody of a child, when the provisions are not in the best interests of the children. Under the *Victims of Family Violence Act* (proclaimed in 1996), a justice of the peace may make an emergency protection order after considering several factors including "the best interests of the victim or any child." In certain situations, a judge may make a victim assistance order including access to children. However, the safety and well-being of the children must be given paramount consideration. The Act allows the judge to prohibit the publication of a hearing or any matter connected with an order if to do so would be in the best interests of a child.

1376. The courts in Prince Edward Island have given full effect to the legislative provisions noted above. In *Prince Edward Island (Director of Child Welfare)* v. G. (C.) (1996) 144 Nfld. & P.E.I.R. 112, the court noted that the Director of Child Welfare had a duty to nurture a mother-child relationship where the mother is unable to care for the child and a guardian has been appointed. Further, the court performed an in-depth analysis of the child's best interests in determining custody issues. In *Heller v. Heller*, the court granted exclusive possession of the matrimonial home to the mother. The mother had custody of the daughter and it was in the child's best interests to remain in the matrimonial home.

Right to life, survival and development

1377. The *Family Law Act* (amended in 1995) dictates that every parent is obliged to support his or her children to the extent he or she is capable. The only exception to this occurs when a child over the age of sixteen has withdrawn from parental control. The Act determines that the amount of child support to be paid where the children reside with one parent is to be determined by the Child Support Guidelines issued by the Federal Government.

Respect for views of the child

1378. The *Intercountry Adoption Act* requires that consideration be given to the child's views in determining what is in his or her best interests. The *Change of Name Act* requires a child aged twelve or older to consent to a change of his or her name. The *Family Law Act* dictates that the court consider the child's views and preferences when determining what is in his or her best interests.

1379. Courts in Prince Edward Island have appropriately applied the "views of the child" principle. In *Griffin v. Griffin*, the Supreme Court of P.E.I. considered the children's wishes in deciding to vary a custody order. The Court ruled in *Livingston v. Underwood* that the views of the child must be considered in determining the child's best interests. This case also enunciated the principle that a child is entitled to a full relationship with both parents.

Civil Rights and Freedoms

1380. The *Canadian Charter of Rights and Freedoms* protects the rights and freedoms of children. Prince Edward Island, through the *Human Rights Act*, provides protection from discrimination on religion, ethnicity, nationality and other grounds. The *Employment Standards Act* also prohibits discrimination in employment situations.

1381. *The Vital Statistics Act* R.S.P.E.I. 1988, Cap. V-4 has been repealed. It has been replaced with the *Vital Statistic Act* (proclaimed 1996). The new Act continues to provide for the registration of the birth of a child by name as outlined in our previous report. The Act also requires the Director of Vital Statistics to maintain precise files in cases of adoption. These controls allow for the child's original identity to be preserved while maintaining the child's adopted identity in the current records. The *Adoption Act* provides that a parent who is a minor may give valid consent for adoption.

Family Environment and Alternative Care

1382. The *Family and Child Services Act* (amended in 1994) provides for the support and guidance of children in need. The Act prohibits any custody of a child who is less than 14 days old. The *Family Law Act* provides for access to both parents in cases where the parents no longer reside in the same home. In 1997, the *Maintenance Enforcement Act* was amended. The Director of Maintenance Enforcement can suspend or revoke the driver's license of an individual who is not complying with support payments to children.

1383. The *Victims of Family Violence Act* gives protection to children who are exposed to violence in the home. The Act allows for victim assistance orders to be issued and often for the "victim and children to remain in the home while the abusive person will be removed." Police officers have been trained in the use of the provisions of the Act. The Community Legal Information Association of Prince Edward Island has published pamphlets on the Act and on child abuse and neglect.

1384. A national foster care pilot program was launched in 1997 through the Department of Health and Social Services. The implementation of the project was recommended under the Minister's Foster Care Review Report of 1994. Prince Edward Island is one of 6 jurisdictions taking part in the pilot program. The program requires social workers and foster families to do annual assessments of children in care. One goal of the program is to develop national standards and outcome measurements for children in care.

1385. Also in 1997, the PEI Child and Youth Initiative Fund was established and 27 programs were given grants. These programs will address children and youth issues including teen pregnancy, violence prevention, peer helping, adolescent addictions, and staying in school. The initiative is coordinated by a committee consisting of school principals, health professionals, community levels, parents and youth.

Basic Health and Welfare

1386. The government of P.E.I. commissioned a report in 1993 entitled *Youth, Families and Communities: A New Paradigm for Action*. The Report was a joint project of government and the community to better serve the needs of children by reorganizing the delivery of services. In 1994, the implementation of the report's recommendations began. By April of 1997, 71 of 73 recommendations had been at least partly implemented. A review of the status of the Island's children shows small incidence of low birth weight, low infant death rate, and high immunization rates (above 90 percent).

1387. Prince Edward Island had the second highest rate of labour force participation of married mothers with preschool children. The provincial rate for single mothers was 78.9 percent compared to the national rate of 47.3 percent. The province has the lowest incidence of low incomes for children in Canada. The provincial rate is 11.3 percent. In June 1997, the Department of Health and Social Services introduced a new whooping cough vaccine. The new vaccine provides better protection than the old one and should decrease the number of cases that occur each year. Previously, in 1996, the government implemented a Measles Elimination Campaign, which was the immunization of 92 percent of the population in Grades one to twelve.

1388. The report included information on the programs funded through the *Youth Initiative Fund*. These programs included *Help Every Aboriginal Learn* (HEAL) and a teen moms workshop dealing with issues specific to teenage parenthood. The aim of the *HEAL* program is to direct aboriginal youths towards supporting themselves and getting support from their families and communities. The review also identified 6 goals for the next 5 years (1997-2002), including a family strengthening focus to develop healthy environments for children and youth. One of the recommendations was the adoption of School Health Teams in several schools based on the *Healthy School* model. The model is designed to enhance the quality of education by addressing the physical, social, emotional and safety needs of children while at school. Healthy lifestyles and peer drug prevention education is also incorporated into the school system. The government plans to continue implementing the youth report recommendations and to continue the Child and Youth Initiative program.

1389. In September 1996, provincial representatives attended a national meeting covering issues relating to children and social services. The government lobbied in favour of adopting a National Child Benefit to aid children of low-income families. Governments across Canada have subsequently agreed to adopt such a program. The National Child Benefit requires the participation of both federal and provincial governments. Under the program, the federal government will increase income support to low-income families with children while the provincial government will make complementary investments in services and benefits for children in low-income families.

1390. The Department of Health and Education collaborated to provide early intervention and treatment programs for children and youth at risk. A provincial Healthy Child Development Strategy was introduced at the planning stage. The strategy will be based on the broad determination of health, current research on child development, parental and family support, readiness to learn, and community partnerships.

1391. The department of Child, Family and Community Services (within the Department of Health and Social Services) promotes the health and development of children and youth. The Department has supported Family Resource Centres, Parenting Programs, Child Sexual Abuse Prevention, Adoption Services, Services for Children with Special Needs, Student Assistance Program, Adolescent Addictions Programs and other initiatives relating to the mental and physical well-being of children.

1392. The Canadian Mental Health Association (P.E.I. Division) along with the Kiwanis Club, published a directory titled "A Directory of Self-Help Groups and Community Resources in Prince Edward Island." The directory is a useful tool for both children and adults who need assistance in areas ranging from alcohol or drug addiction to support groups for single parents and a wide variety of other services. The directory was created with assistance from the P.E.I. Department of Health and Social Services. The Government of P.E.I. also provides funding and support to many of the groups listed in the directory.

Education, Leisure and Cultural Activities

1393. Among the programs funded by the *Youth Initiative Fund*, was the *Eastern Kings: Planning for the Future* project. This initiative sought to improve career education, thereby giving students a better chance of success following high school. An Eastern School Board program, which identified the need to address the transition from school to work for special needs children, also received funding.

1394. Children have a right to free school privileges in public schools. This right extends to secondary education, provided the student is under the age of 21. Additionally, post-secondary education is available to all students with the requisite capacity. Financial assistance for post-secondary education is provided by both the federal and provincial governments. The *School Act* (proclaimed in 1993) provides the policies and procedures to be followed in the provincial school system. The Act regulates attendance and conduct at public schools. Student responsibilities under the Act include observing the code of conduct, attending classes regularly and punctually, diligently pursuing his or her studies and respecting the rights of others. Discipline of students shall be in a manner similar to that of a "kind, firm and judicious parent, but shall not include corporal punishment."

1395. The public school system is designed to provide students with the basic education one needs to become self sufficient as well as introductory vocational training. This includes courses covering computers, mechanical work, woodworking, accounting, art, and other vocational courses. These programs are intended to give the student an introduction to different possible careers; enabling the student to make informed career choices. Also incorporated into the public school system is physical education. The physical and mental health of students is of prime importance to the government of P.E.I. Public schools provide extra-curricular activities including competitive and non-competitive sports teams, music clubs, and drama clubs.

1396. The Department of Education feels that integrating students with special needs into the classroom benefits all students. This move towards inclusion has resulted in the hiring of more teacher's assistants to work with students who have special needs. This model promotes diversity in the classroom and protects the equal rights of all children to education and association.

1397. The Department of Education promotes children's rights. Some teachers incorporate the Convention into the everyday classroom atmosphere. This is done by teaching the rights of the child in conjunction with classroom rules, rights and responsibilities lessons. The Convention is also taught with the new Grade Nine Social Studies Curriculum in the course "Atlantic Canada and the Global Community." Teachers make use of the various educational information kits available from the United Nations.

Special Protection Measures

1398. The *Victims of Family Violence Act* provides emergency protection to children in situations of family violence. Under the Act, a justice of peace may make an emergency protection order if he or she believes that family violence has occurred and that the situation is urgent enough to warrant such an order. The order can be made without notice to any other party. The order can make provisions regarding the temporary possession or property, including the family home. The order can also restrain the violent activities of a person named. The Act provides for a more long term declaration, a victim assistance order, to be made by a judge within ten days of receiving an application for such an order. The victim assistance order may contain the same provisions as the emergency protection order, as well as orders regarding access to children as was mention above.

1399. The P.E.I. Rape & Sexual Assault Crises Centre published a pamphlet titled "How to Talk to Your Child About Sexual Abuse." The Centre and other provincially funded organizations provide information and services to children in crisis. The Department of Community Affairs and Attorney General has a Victim Services branch to help victims of crime as their cases proceed through the justice system. The program includes counselling, referrals, and assisting with a victim impact statement to be used in court. The Executive Office recently instituted the Premier's Action Committee on Family Violence Prevention. The Committee's mandate is to increase public awareness of family violence with the goal of decreasing and eliminating this problem.

1400. Canada's continued reservation to the Convention relating to youth detention has been reviewed in this province. In Prince Edward Island, it is occasionally necessary to temporarily hold a youth in an adult detention facility, albeit separate from the adults in the facility. The financial impact of providing a separate youth facility for these rare instances cannot be justified in light of the fact that the current system provides the same service as a separate facility would. Holding young offenders separate from adult offenders, we believe, is akin to providing a separate facility and thus in line with the spirit of the Convention.

NEWFOUNDLAND

1401. This Report covers the period of January 1993 to December 1998.

General Measures of Implementation

Definition of a Child (Article 1)

1402. The *Age of Majority Act*, 1995, S.N, c. A-4.2 stipulates that a person who attains the age of 19 years attains the age of majority and ceases to be a minor person.

1403. The province's *Occupational Health and Safety Regulations,* C.N.R. 1165/96 prohibits a person under 18 years of age from being employed in a silica process or any cleaning or maintenance work that involves exposure to silica. The *Regulations* also require candidates for blasting certificates to be at least 19 years of age.

1404. The *Mines Safety of Workers Regulations,* C.N.R. 1145/96 prohibits persons under 18 years of age from being employed in the underground works of a mine and persons under 20 years of age from being in charge of equipment used for hoisting, lifting or haulage; blasting with explosives, signaling for putting machines in motion and those under 21 years of age shall not be in charge of hoisting and lowering workmen.

1405. The following criteria are set out in the *Radiation Health and Safety Regulation,* C.N.R. 1154/96:

- Radiation Technician in training means a person 16 years of age or over who is exposed routinely to ionizing radiation while receiving instruction in radiation technology and who is under the direct supervision of a qualified worker.
- No person shall use or prescribe the use of radiation installation or any radiation equipment for the irradiation of other human subjects unless that person is a person acting under the direct supervision of a person who is over 16 years of age or a student undergoing a bonafide course in radiation installation relating to the operation of radiation equipment under safety supervision satisfactory to the Minister.
- An owner shall not employ a person as a radiation worker unless that person is at least 18 years of age.
- A student under 16 years of age shall not receive a dose to the gonads and bone marrow of 100 millirem in any one year during the course of receiving training.
- Students 16 years of age or older shall not receive a dose to the gonads and bone marrow in excess of 500 millirem in any one year in the course of required training.

1406. Changes in Acts identified in the First Report that stipulate age requirements pertaining to children are as follows:

- *Highway Traffic Act,* 1990 RSN, c. H-3—Pursuant to section 53(1) a person 16 years of age may apply as a novice driver and be issued a licence.
- *Land Surveyors Act*, 1991, SN, c. 37—There is no longer an age requirement to practice as a land surveyor.
- *Limitations of Actions (Personal) and Guarantees Act* was repealed in 1995 by the *Limitations Act,* 1995 SN, c. L-16.1. That *Act* stipulates that a person is under a disability while that person is less than 18 years of age.
- *Pharmaceutical Association Act,* 1994 SN, c. P-12.1—no longer an age requirement to register as a candidate.
- *Youth Advisory Council Act,* 1990 RSN, c. Y-2—has been repealed.

General Principles

Non-Discrimination (Article 2)

1407. The *Human Right Code,* 1990 RSN, c. H-14 was amended in 1997 to add sexual orientation as a prohibited ground of discrimination.

1408. As a measure to ensure protection against discrimination, the Department of Education has implemented a variety of educational programs aimed at teaching children about human rights and discrimination. Some of these programs are highlighted below.

- A curriculum module for each level of schooling entitled *Balancing Students' Rights & Responsibilities* has been developed to help students learn and understand, respect and promote basic human rights for all.
- *What Do you Think*: A Youth Peer Information Package on Violence discusses discrimination, abuse and provides information for the disabled.
- A Global Issues course covers information about human rights and non-discrimination.
- Kindergarten-Grade 12 Foundation Document for Social Studies covers student rights and non-discrimination.
- Religious Education Outcomes for Grades Kindergarten–12 deal with students needs, morals, values, decision-making, the importance of family and community, the combating of prejudice, discrimination and poverty.

1409. The Province of Newfoundland and Labrador has a large rural population. Many children attend rural schools. To provide these students with a more comprehensive education program the Department of Education has provided a number of services including access to the Internet for all schools; specialized courses presented through a distance education program for small rural schools; and small schools in some rural areas have been designated "necessarily existent" and have received teacher allocations higher than they would normally qualify for.

1410. There has been a working group established at the Department of Education to examine ways to increase female enrolment in post secondary non-traditional fields. One of the aims of this group is to develop and implement activities to improve awareness of training opportunities in non-traditional fields by female high school students.

Best interests of the child (Article 3)

1411. The *Child Care Services Act* was assented to in June 1998 and proclaimed in June 1999. The new *Act* outlines standards of quality for child care services for children and families in a variety of settings such as licensed child care centres, individually licensed family child care homes and licensed family child care agencies. It regulates the provision of child care services and permits day-care services for children under the age of 2 years. The Act permits and regulates the provision of child care services in a person's home where there are not more than 6 children. All child care services must be licensed under the Act.

1412. Public institutions, including schools, are subject to national, provincial or municipal building codes as well as guidelines for air quality, sanitation and other factors. Building plans are also subject to review and there are restrictions placed on occupancy.

1413. The Province of Newfoundland spends a significant part of its annual budget on education. The Department of Education comprises four major expenditure categories:
(a) Executive and Support Services; (b) Primary, Elementary and Secondary Education;
(c) Advanced Studies and (d) Literacy, Library and Information Services. In the 5-year period from 1993, Government has spent approximately 1/4 of its budget on education. In the fiscal year 1998, the net expenditure on education was $713,561,900.

1414. Teacher training programs focus on the teachers' ability to respond to the needs of individual children. That ability to respond is also the focus of their continuing inservice education.

The right to life, survival & development (Article 6)

1415. The Department of Health & Community Services, in partnership with Health & Community Services and Integrated Health Boards, and with the co-operation and support of community groups, offers a variety of services to help children, youth and families. Included in these are programs for parent and child health, addictions, mental health, speech and language pathology, public health nursing, child care, family preservation and support, residential alternatives, and financial resources. Building community capacity to help in identifying and meeting the needs of children, youth and families is a consistent goal throughout the province. The expansion of Family Resource Centres throughout the province is helping in the ability to provide needed programs and services in the many communities where children, youth and families reside.

1416. The registration of deaths of children are recorded by the Center for Health Information and by the coroner's office. The investigation of deaths is carried out by the police forces within the Province as well as the coroner's office.

1417. From an education perspective, the Department of Education has, through its strategic planning process, outlined 3 goals and 10 desired outcomes to address critical provincial priorities in education. This strategic education plan is a general framework by which decisions will be made about intended outcomes, about how these outcomes will be accomplished and about how progress toward achievement of the outcomes will be measured and calculated.

Respect for the views of the child (Article 12)

1418. The programs, policies and standards which have been developed to guide professional practice in delivering services to children, youth and their families direct that children, youth and their families be involved in decisions which affect them.

1419. The *Adoption Act*, R.S.N. 1990, Chapter A-3 states that children under age 12 years should have input into their adoption where feasible. In addition, children may have input into the development of openness agreements in an adoption situation when they are old enough to express their views. Program policies and standards will follow the principles and best interests of the child as defined in the Act and will ensure children's views and wishes are considered.

1420. The *Schools Act,* 1997, SN, c. S-12.2 provides for a school council that is an elected advisory body for each school in the province. It is comprised of administrators, teachers, parents, members of the public and, in high school, students. This gives children, as well as others, an opportunity to make representations with respect to school concerns.

1421. In addition to all legal requirements under the *Criminal Code of Canada* and the *Young Offenders Act*, the Province adheres to the following standards for the administration of youth justice:

- community based alternatives to judicial proceedings are considered and used widely in appropriate situations;
- the least restrictive and most community based form of custody is used, where custody is necessary;
- early release from custody is pursued where alternatives are available;
- the administration of all sentences involve a strong rehabilitative component;
- strict standards apply to custody environments with respect to full time supervision, nutrition, exercise, family contact, community access, and legal rights;

- all youths in custody must be involved in programming related to school enrolment, work participation, counselling, and other positive daily routines;
- social work services and other individualized treatment services are available to all youths, whether in custody or not.

Family Environment and Alternative Care

Parental guidance and the child's evolving capacities (Article 5)

1422. The *Child Welfare Act,* 1990 RSN, c. C-12 directs that in determining the best interests of the child for the purposes of the Act, the child's cultural and religious heritage shall be considered.

1423. The parents of the child have the first responsibility for care, however, if the parents are unable to care for the child, the Director of Child Welfare will consider a placement with a relative before placing the child in foster care.

Parental responsibilities (Article 18, para. 1-2)

1424. The responsibility for regulating day-care services falls within the mandate of the Department of Health and Community Services. However, through the National Child Benefit reinvestment program the Department will be increasing its financial assistance to families requiring private child care. This initiative, which commenced in October, 1998, will assist in eliminating child care as a barrier to employment for low income families and for families trying to exit the Social Assistance Program through employment. It will reduce the additional financial strain on low-income families who have to access private child care and enhance the likelihood of low-income families being able to purchase quality private child care. The initiative only applies to families who cannot access licensed child care.

Separation from parents (Article 19)

1425. If a child who is in the permanent care of the Director of Child Welfare is placed for adoption under the *Adoptions Act*, 1990 RSN, c. A-3 the Director will, where it is in the child's best interest, maintain contact with the natural parents.

Abuse and neglect (Article 19) including psychological recovery and social reintegration (Article 39)

1426. *The Provincial Strategy Against Violence* was formulated on a recognition that solutions to the problem of violence against women, children, elderly and dependent adults must be a collaborative effort between governments, key stakeholders, and the community. There are 2 goals of the Provincial Strategy; one related to prevention and the other related to service delivery. The Coordinating Team of the Strategy consists of representatives from the Women's Policy Office, Departments of Health and Community Services, Education, Human Resources and Employment and Justice.

1427. A number of education strategies pertaining to abuse and violence against children have been completed by the Provincial Strategy Against Violence. Work related to the implementation of the Classroom Issues Report is linked to a number of the strategies under education. This report, which made a number of recommendations regarding violence in the classroom, is being implemented by the Department of Education and monitored by the Strategy team. Curriculum has been developed on students' rights and responsibilities. In-service packages have been prepared for non-violence crisis intervention, functional behaviourial analysis, classroom management; discipline, violence and safe schools; and child maltreatment. Elementary Guidance Guidelines have been sent to school boards and a Policy and Resource Guide on Discipline, Violence and Safe Schools has been presented to School Districts for implementation. Television commercials on violence prevention were developed and shown on local television in 1997. Copies were sent to community groups to be used in presentations and shown on community television stations.

1428. The Janeway Child Health Care Center (our provincial children's hospital) also has a child protection program where information is maintained on children presenting at the hospital for medical treatment. Particular attention is paid where children present with non accidental injuries. There are close links between the children's hospital, the Provincial Department of Health and Community Services and the Health and Community Services and Integrated Health Boards. Information on injuries and other child-related problems are discussed and monitored. In addition to medical treatment, the Janeway offers a number of prevention programs and other services and counselling to parents and children.

1429. Children in Newfoundland and Labrador who require in-patient treatment for mental health problems are generally treated in the psychiatric ward of the Children's Hospital. The hospital operates on a family-centered care basis and the views of the child are important to any decision if the child has the capacity to consent. A parents consent is required for a child if he/she is a minor and lacks the capacity to consent for himself or herself.

1430. Children who require out of home residential placements are usually placed in family-based foster homes or group home care. The province no longer operates orphanages. Children can have input into placement resources, however, availability of an appropriate resource to meet a child's needs may limit the choices available. Wherever possible children are maintained with family or significant others and in their own communities.

1431. The Department of Health and Community Services, in partnership with Health and Community Services and Integrated Health Boards, provides an array of services to children with disabilities and to their families. There is a special child welfare allowance program to enable parents to obtain services for their children in their own home. The allowance will pay for any medical or rehabilitative care and respite care when deemed necessary. In addition there is an ability for the Boards to provide financial resources to families to complete renovations to their home which may be required to accommodate the child because of his/her disability. Children with disabilities who cannot remain in their own homes are cared for in family-based foster homes. There are no institutions for children with disabilities. Children can receive direct nursing care in schools. They also can access student assistants. The Child Health Coordinators provide a link between school, services and home.

1432. The Departments of Health and Community Services, Education, Justice, and Human Resources and Employment have endorsed the principles of The Model For Coordination of Services To Children and Youth With Special Needs in Newfoundland and Labrador. This model includes the use of a collaborative planning process (individual support services plans), which includes the child and family as equal partners in the identification of the needs/services required to ensure healthy child development.

1433. This province has implemented new Child Care Services legislation which increases the array of child care options available for children and in particular provides for licensed family based child care and licensed infant care. There has also been an increase in the number of subsidies available to parents to purchase quality child care for their children.

1434. The Department of Education has undertaken a number of initiatives to foster protection from abuse and neglect including: course material covering the disabled child, child abuse and neglect; development of a maltreatment module to help teachers and other service providers to identify students who may have been maltreated; development of policy, guidelines and resource guides on discipline, school violence and safe school teams by an interagency working group and production of same by the Department of Education to introduce the concept of the safe school team and its role and functions in the development of school district and school policies and strategies on discipline and violence.

Basic Health and Welfare

Disabled Children (Article 23)

1435. Service providers in the Departments of Education, Health & Community Services, Human Resources and Employment, and Justice have devised an interagency approach to meeting the needs of children and youth: *Co-ordination of Services to Children and Youth in Newfoundland and Labrador—Individual Support Services Plans* and its counterpart, *Profiling the Needs of Children/Youth*. The Department of Health & Community Services provides services to adolescent mothers before and after they give birth. The Department will identify and put in place an individual support services plan which will be referred to and built on by educators when any child with special needs begins to attend school. This helps government identify needs and transfer personnel to meet those needs in areas of the province which may not have those services available.

1436. All small schools are allotted a half unit non-categorical special education teacher to meet the needs of disabled students regardless of how many students are in the school.

1437. Students with severe emotional/behaviourial disorders, severe learning disabilities and health, neurological and related disorders can access additional categorical special education teaching units.

1438. Disabled students can access the services of educational psychologists, visual and hearing itinerant teachers, speech language pathologists, guidance counsellors and non-categorical special education teachers, as well as the categorical special education teachers, should they have severe needs.

1439. Student assistants are provided by the Department of Education to provide support for students who have severe cognitive delay, severe physical disability, severe behaviour disorder or who are deaf or legally blind.

1440. Government works with interest groups and partners with community agencies in providing services to and for the education of disabled children.

Standard of Living (Article 27 - para. 1-3)

1441. Parents who cannot provide financially for their children may avail of a needs tested social assistance program which includes a needs assessment of a family's expenses as compared to its income and liquid assets. Assistance includes income support, rental allowances and special allowances for clients such as single parents and those with special needs. Rules for assistance are established by regulation under the *Social Assistance Act*, 1990 RSN, c. S-17. Eligibility for income support also allows access to a broader range of services such as health benefits and low rental housing.

1442. The province is a participant in a joint federal/provincial/territorial National Child Benefit initiative. This initiative is aimed at preventing and reducing the depth of child poverty and promoting an attachment to the workforce. This initiative begins to remove child benefits from welfare, assist people with the cost of raising children, and make it easier for low-income parents to support their families through employment without resorting to welfare. It allows for federal monies to replace provincial social assistance monies payable for children, provided that the receiving province reinvests such savings into programs for low-income families with children. This province elected not to claw back provincial monies thereby providing these needy families with additional income above the federal allocation. However, the province also implemented a range of reinvestment programs including an extended drug card coverage which is available for a period of 6 months for families with dependent children who leave social assistance for employment.

1443. Some schools in the province offer a school lunch and breakfast program providing a hot and nutritious lunch and/or breakfast for children. Government contributed $1 million to the School Lunch Foundation in 1998.

Education, Leisure and Cultural Activities

Education, including vocational training and guidance (Article 28) and aims of education (Article 29)

1444. The *Schools Act*, 1997 SN, c. S-12.2, section 3 states that a person who on December 31 in a school year is five years of age or older and younger than 21 years of age and who is a Canadian citizen, lawfully admitted to Canada for permanent residence, a child of a Canadian citizen, or a child of a person who is lawfully admitted to Canada for permanent or temporary residence is entitled in that year to an education program. The Board has the discretion to admit a person over 21 years of age to an education program. Attendance at school is compulsory for those between the ages of 6–16. There are no enrolment or attendance fees.

1445. For post-secondary education, financial assistance is provided through the Canada Student Loans Program, the provincial financial assistance program and the loan remission program.

1446. The Department of Human Resources and Employment provides summer employment programs which allow high school students and post secondary students to gain meaningful work experience to help them choose their career paths, acquire new skills, implement previously learned academic skills, enhance their employability, and develop a strong attachment to the labour force. Minimum age eligibility for these programs is defined in accordance with the *Labour Standards Act*, 1990 RSN, c. L-2. Assistance is provided to employers in the form of wage subsidies, and directly to students through tuition vouchers, which are recognized by post-secondary institutions in all provinces.

1447. There have been a number of localized Head Start initiatives for children from disadvantaged backgrounds.

1448. In co-operation with the Federal Government the province provides a number of supplemental programs for Aboriginal students. These programs include instruction in their own languages, study of Aboriginal cultures, development of specific curriculum materials, special training for Aboriginal speakers and teachers of Aboriginal students.

1449. In schools with Aboriginal students, government has generally assigned additional staff in order to meet the needs of those students. In the past several years the province has allocated considerable financial resources in order to enhance the school facilities in aboriginal communities. This includes both construction and renovation.

1450. Guidance counsellors make administrators, teachers, and students aware of their services, some of which are counselling, guiding, consulting, assessing, providing information services and researching. Guidance counsellors educate, counsel and refer students as required with regard to sexual exploitation and abuse, neglect, drug abuse, discrimination, decision-making, making course choices, post-secondary choices (private schools, colleges, university) and funding, among other things.

1451. The Department of Education provides high schools with the latest version of the *Choices Program*, career software which students can use to access the following information: assessment of interests, information on occupations, education and training and a career planner and letter writer.

1452. Some high schools have a Work/Study Program which allows students who have had very little work experience to learn on the job skills in a community work setting. The Co-operative Education Program exists for the more mature student who knows what she/he is interested in doing in post-secondary school and possibly as an occupation after graduation. The student will have an individualized plan which includes in-class work and on-the-job training. Both these programs are an important link with school academics which may motivate a student to work harder in school to become whatever she/he has decided after graduation or they may motivate a more informed career choice.

1453. Through funding from the Canada/Newfoundland Agreement on Economic Renewal, a market analysis was conducted to match the needs of various countries with the capabilities of our province in the area of distance education, new media learning, and consultative services. Generally, developing countries have expressed a significant need to improve the primary health care and education levels of their populations. As a result, this province is in the process of converting for distance delivery a number of courses and programs aimed at meeting this market. In the health area, the following programs are in varying stages of development:

- Community Health;
- Nurse Practitioner;
- Post BN/RN—Midwifery;
- Emergency Medical Attendant;
- Office Administration (Medical).

In the education area, the following programs are being converted:

- Bachelor of Education (Intermediate/Secondary);
- Diploma in Rural Education and Telelearning;
- Early Childhood Education;
- Bachelor of Technology.

Once these programs are available for delivery internationally, the indirect result would be the improvement in the quality of life for the citizens of the targeted countries, especially children.

1454. Other initiatives funded under the Economic Renewal Agreement include support to the International Office at Memorial University which is involved in projects in a number of countries. Also, support is provided to the Open Learning and Information Network (OLIN) which is undertaking a number of initiatives in developing countries. Most recently, OLIN has secured a $25,000 contract from the Acacia Project of the International Development Research Centre (IDRC) to develop distance learning applications at multi-purpose telecentres in Sub Saharan Africa.

1455. A number of international memoranda of understanding have been signed between the College of the North Atlantic, Memorial University and institutions in other countries. There have also been agreements between the Department of Education and other international organizations that have a potential training component. Many of these have the potential to impact education and facilitate access to scientific and technical knowledge and improve teaching methods in developing countries.

1456. Government has taken a number of initiatives to address youth unemployment. Some of the more significant initiatives are discussed below.

1457. In August, 1998, the Government of Newfoundland and Labrador released its *People, Partners and Prosperity: a Strategic Social Plan for Newfoundland and Labrador*. The strategic social plan is a framework for social action which identifies government's major social strategies and sets its long term goals for this area. The plan also sets out a community development process which will engage people, communities and regions in working with government to achieve social and economic prosperity. It establishes broad strategic goals related to people's general well being, employment and economic security and to community stability. Strategic directions for social development includes building on community and regional strengths, integrating social and economic development and investing in people. The goals for strategic social development include vibrant communities where people are actively involved; sustainable regions based on strategic investment in people; self reliant, healthy, educated citizens living in safe communities; and integrated and evidence-based policies and programs. Five years following the implementation of the strategic social plan, government will conduct a social audit which will indicate what is working, why, how and for whom.

1458. The Premier's Council on Social Development was appointed to provide expertise in matters relating to social development and to reflect the views and regions of the province. The Council will play a significant role in advising government with respect to achieving the goals and objectives of the plan. The Social Policy Committee of Cabinet, assisted by the Chairs of the Cabinet Committees for Economic Policy and Rural Revitalization, together with the Ministers of Finance and President of Treasury Board will be responsible for the plan. Government will also partner with regional boards to achieve the plan's implementation. These boards include the Health and Community Service Boards, the school boards and the economic development boards. Working in cooperation with these regional boards, partnerships with community groups will be established to implement the plan at a local level.

1459. Provincial government departments of Education, Human Resources and Employment, and Development and Rural Renewal, in cooperation with Human Resources Development Canada and the Atlantic Canada Opportunities Agency (ACOA) and in consultation with community stakeholders, have developed a *Provincial Youth Employment Action Plan*. The action plan highlights youth employment issues in the province and focuses on a process to improve and better coordinate federal and provincial youth programming. It acknowledges that employment issues are affected by various other issues including education and training, labour market issues and social policy, and it highlights the need for cooperation across governments, business, economic development and social agencies. It outlines a process to ensure that at-risk youth are provided with personalized multi-disciplinary support through a case management process, over the required period of time to lead them to full employment.

1460. It is clearly recognized that the level of employment is directly related to level of educational attainment and that illiteracy is therefore a serious impediment to employment. The Government of Newfoundland and Labrador, through the Department of Education, has developed a comprehensive literacy plan for the province. The literacy plan, which will target all persons with low literacy levels, including youth, will form part of the province's strategic social plan.

1461. *Futures in Newfoundland and Labrador Youth*, (FINALY) is a provincial youth-organized and youth-run agency which was established to involve young people in regional economic development. Many young families and young people are leaving rural Newfoundland communities since the decline of the Atlantic ground fish industry, thus placing many of these communities at risk. FINALY, with support from the provincial government and ACOA, involves youth in directly addressing this problem.

1462. Cooperative education and youth internship programs are widespread in the high schools in Newfoundland and Labrador and provide students with an opportunity for "hands on" career exploration, work experience, and development of employability skills. Youth apprenticeship has also been piloted in the province and assessed to be worthy of expansion.

1463. *Tutoring for Tuition* is a high school program which provides students who are in their last two years of high school an opportunity to earn tuition vouchers to post secondary education by tutoring other students who are experiencing academic difficulty and who cannot afford tutoring services. The tutors are students who have the personal and academic qualifications to be tutors and who have financial need.

1464. Newfoundland and Labrador has eleven school boards and twenty regional economic development zone boards. *Regional Economic Development and Schools* is a program supported by the Newfoundland and Labrador Department of Education and the Atlantic Canada Opportunities Agency, which assists schools and school districts to review their development within the local community, assess their needs and compare them to the economic needs of the zone, develop plans that assist in the transition of their students, and implement initiatives based on awareness of local economic opportunities in keeping with zonal strategic plans. The program serves to link students in declining rural communities with economic opportunities identified through the regional economic development boards.

1465. *The Classroom Issues Report* of 1995 examined behaviour, gender equality, quality of work life and services for children with special or challenging needs in Newfoundland and Labrador schools. Upon acceptance of the recommendations of the report, the provincial departments of Education, Health, Justice, and Human Resources and Employment committed to implementation of the *Model for the Coordination of Services to Children and Youth*. The Model is designed to be child centered and child focused and outlines a process for collaboration at the child/youth/family, regional and provincial levels. It includes standards of practice, policies, protocols, informed parent/child, and common consent and it endorses the need for an interagency approach in the design and delivery of programs and services. The Model includes a planning process known as the Individual Support Service Plan (ISSP). This plan allows all relevant service providers, parents/guardians, and children to be partners in the child's/youth's service/program plan. The process is based on the premise that a comprehensive coordinated plan will reduce duplication of effort and decrease confusion for families. The ISSP is based on and reflects the identified strengths and needs of the child. The model also endorses a process whereby the needs of children and youth will be profiled. Information will allow departments and agencies and regional teams to determine gaps and overlaps in service provision.

1466. The Provincial government's reinvestment under the National Child Benefit Program will provide $2.8 million to develop coordinated, Regional Youth Service Networks, in partnership with existing community programs, to support at-risk youth 12-18 years of age, with an emphasis on prevention and early intervention support services such as peer counselling, self-help, mental health services, and back-to-school initiatives. This initiative will be designed to help young people make successful transitions from school to independence and adulthood.

1467. The *Getting the Message Out* (GMO) program is a federal and provincial initiative delivered by the Department of Development and Rural Renewal. The program is aimed at strengthening positive attitudes about the abilities and skills of Newfoundland and Labrador firms and entrepreneurs thereby encouraging people to participate as entrepreneurs or to be supportive of those who do. Another goal is to promote the value of lifelong learning and to accomplish this the GMO introduces various target groups to people who, by their own efforts, have created businesses and job opportunities. They are the good news stories of our economy. These are the people who are doing it, right here in Newfoundland and Labrador. And that is the message which the program is promoting: "We're doing it. Right here."

1468. *Student Work and Service Program* (SWASP) is a program which enables students entering or returning to post secondary education, to earn tuition vouchers by participating in community service activity with not-for-profit agencies or by working for private sector employers. Since its inception in 1994, the program has targeted a portion of funding to social assistance clients and in a manner whereby it did not negatively impact on their level of income support from the provincial Department of Social Services. An evaluation of the program showed that it was successful in assisting a substantial number of social assistance clients to enter or continue their post-secondary education who would not otherwise have been able to do so.

1469. During the past 2 years the Student Work and Service Program has been offered to single parents on social assistance and to "students older than average" who are attending Memorial University of Newfoundland or the provincial public College of the North Atlantic. During the 1998 Canadian Association of College and University Student Services annual conference in Ottawa, the Memorial University component of SWASP was nominated for and received the Student Services Association of Canada's National Achievement Award. This award was judged by a committee comprised of college and university student service professionals from across the country. The choice to recognize SWASP was based on the program's demonstration of creative partnerships that address issues important to post-secondary students. This component of SWASP provides career development support to each student participant. Specific components include individualized career placements, cohort-based workshops, development of employment skills, self-assessment, and strategies to overcoming barriers to successful completion of their post-secondary studies. The provision of transition counselling and ongoing support from post-secondary studies to the world of work is a hallmark of this award-winning program.

1470. *Linkages* is a client-centered employment initiative which is brokered to community-based agencies. It offers at-risk youth, age 18 to 24 years, who have not completed post-secondary training, the opportunity to engage in 26 weeks of career-related employment, participate in bi-weekly group career planning workshops, and earn a training incentive toward the cost of post-secondary education. Employers are eligible for a wage subsidy of $5 per hour up to a maximum of $5,720 per position for up to 26 weeks. Youth earn a training incentive towards education. Since its inception in 1991, a minimum 50 percent of participants were social assistance youth. Outcomes have demonstrated that 60 percent to 75 percent of program participants have continued employment, entered academic and/or skills training. This program provides first-time job experience for at-risk youth with supports from local employers. It involves community-based agencies who are responsible for facilitating the youth's movement through the career planning process. Youth are connected to a continuum of transitional services. The annual budget is $500,000.

1471. *Graduate Employment Program* is a program administered by the provincial Department of Human Resources and Employment and targets post-secondary graduates who have been unsuccessful in finding employment and who are at risk of long term unemployment. The program supports graduates to gain work experience in their field of study and provides a wage subsidy of 50 percent to a maximum of $10,000 for a 52-week placement.

1472. The Council on Higher Education comprises senior officials from the provincial Department of Education, presidents and other representatives of public post-secondary institutions in the province and a representative of the K-12 Directors of Education. The Council responds to priority issues, facilitates joint planning and provides for coordination of activities with the post-secondary education sector. The Council is presently undertaking research on the difficulties experienced by secondary graduates entering post-secondary institutions and is also attempting to ease the transition between educational institutions by facilitating the transfer of credits between institutions and developing a transfer guide and database for students.

Special Protection Measures

Children in Situations of Emergency

Refugee Children (Article 22)

1473. The Province supports the efforts of Citizenship and Immigration Canada who have responsibility for refugees throughout Canada. The Province provides social assistance benefits to legitimate refugees who are sponsored by an individual or agency. As well, refugee children under the age of 16 years fall under the provisions of the provincial *Child Welfare Act*, 1990 RSN, c. C-12. Third parties such as the Association for New Canadians and Refugee Immigrant Advisory Council are contacted by Citizenship and Immigration Canada to provide assistance to refugees.

Drug abuse (Article 33)

1474. There are in the province, statutory age limitations related to providing alcohol and drugs, including cigarettes, to children and youth. There are also statutory restrictions related to allowing children/youth into lounges and/or bars.

1475. Within the Province there are a number of prevention initiatives/programs targeted at children and youth. Included in these are the following:

- *Peer Drug Education Program*—youth leading youth discussions, with adult mentors, in the school setting;
- *Substance Abuse/HIV-Aids Connection*—offered to adults having regular interactions with youth, e.g. teachers, counsellors, group home workers;
- *Smoking Cessation Education*—offered to adults having regular interactions with youth, e.g. teachers, counsellors, group home workers;
- *Allied Youth Program*—youth groups run by youth who discuss various issues affecting young people. The group focuses on leadership, positive life styles, technology, global issues, community involvement, and celebrating youth achievement. These groups have peer- led smoking and drama initiatives. They run Regional Rallies and have an annual Leadership Camp and Conference. The Allied Youth Program has an elected Provincial Executive and a Provincial Advisory Committee;
- *Communication With Parent Groups*—this program is run through counselling offices in schools;
- Family Support Groups—entire families, or parents, or youth, can come and discuss alcohol/drug concerns which are affecting them;
- Training Programs—offered to adults having regular interactions with youth, e.g. teachers, counsellors, group home workers. These programs address youth issues, e.g. youth and drugs, fetal alcohol syndrome, gambling.

1476. A full spectrum of drug assessment and treatment programs are available to youth on an in- patient and out-patient or residential basis as required. Youth are, however, difficult to attract into services. Best practices studies are near completion by the Federal Government regarding youth and alcohol/drug prevention and treatment issues.

1477. Newfoundland and Labrador participates in an Atlantic Region Student Drug Use Survey, which provides prevalence statistics and highlights areas of particular concern.

1478. Newfoundland and Labrador, led by Memorial University in a community partnership, has completed a Student Path Analysis Survey, which provided information on potential successful targeting of directions in which to point prevention and treatment program options.

1479. Comprehensive School Health Programs for Primary, Elementary, (an Intermediate program was implemented in 1992) were developed and implemented in schools throughout the province.

1480. *Towards a Comprehensive School Health Program—A Health Curriculum Guide* by Division of Program Development, Department of Education, relates to every aspect of a child's/youth life including: the intellectual, emotional, social, physical, spiritual and moral development through the involvement of home, school and community. Topics covering articles listed at the primary level include drug education, mental health and relationships. At the elementary level, topics include relationships, drug education and mental health. The rationale in the adolescent level of the comprehensive school health program presents some statistics on smoking, alcohol, and illicit drug abuse. The topics covered at this level are as follows: drugs—smoking and alcohol, interpersonal relationships, other drugs and human sexuality.

Sexual exploitation and sexual abuse (Article 34)

1481. The *Criminal Code of Canada* is the legislation that deals with sexual abuse and sexual exploitation and it defines a number of sexual offences against children and youth. The *Criminal Code* also defines the age at which a child/youth can give consent to engage in sexual activity. It further specifies when the consent of a child/youth cannot be considered as a defense in a criminal matter.

1482. There are a number of early intervention and prevention programs offered throughout the province to educate children, youth, and families about sexual exploitation and abuse. In addition there are a variety of community based treatment and intervention services. The provincial Department of Health and Community Services, in partnership with other government departments, Health and Community Services and Integrated Health Boards, Women's Shelters, local hospitals, clinics, family resource centers, and other community programs, work collaboratively to respond to the sexual exploitation and sexual abuse of women, children and youth.

1483. The *Child Welfare Act* requires reporting of children who are at risk of or who are being sexually abused or exploited. These children are then offered the necessary protections.

1484. The Departments of Education, Human Resources and Employment and the Newfoundland and Labrador Teacher's Association have jointly developed pamphlets entitled *Child Sexual Abuse Information for Families* and *Child Abuse for Families*, which were distributed throughout the province.

1485. Throughout the curriculum development and pilot process, standards and guidelines within the Division of Program Development provide direction for curriculum development and the authorization of resources which address issues such as stereotyping, inclusion and personal safety.

Children belonging to a minority or and indigenous group (Article 30)

1486. The province is participating with the federal government in self-government negotiations with the Innu of Labrador and the Labrador Inuit Association. Self-government agreements recognize Aboriginal governments with concurrent law-making power within their lands and communities. Aboriginal jurisdiction covers areas such as aboriginal culture, language, government, education, marriage, child and family services, and adoption. Jurisdiction in social, health and education programs and services are subject to certain conditions and standards. The *Criminal Code* and *Charter of Rights and Freedoms* continue to apply and federal/provincial laws continue in matters of health and public safety. There are also clear rules respecting conflicts of laws.

1487. The province is also committed to devolving the administration and delivery of normal provincial programs and services to provincial Aboriginal groups as a transitional step toward Aboriginal self-government. While provincial laws continue to apply, devolution provides Aboriginal groups an opportunity to design and deliver culturally appropriate programs and services and to develop the capacity to administer and delivery their own programs and services under a self-government regime.

PART III: MEASURES ADOPTED BY THE GOVERNMENTS OF THE TERRITORIES[*]

YUKON

General

1488. The preamble to the Yukon *Human Rights Act* acknowledges that the Yukon government has a responsibility to encourage understanding and recognition of human rights consistent with Canada's international undertakings and with the initiatives taken by Canada and the provinces.

Definition of a Child

1489. The *Age of Majority Act* provides that for the purposes of any law within territorial jurisdiction every person attains the age of majority, and ceases to be a minor, on attaining the age of 19 years.

1490. Although there is no legal minimum age for employment, the Employment Standards Board can, under the *Employment Standards Act*, specify the circumstances and occupations in which persons under 17 years of age may be employed, fix the conditions of such employment and prescribe the minimum age for such employment.

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[*] In geographical order, from west to east.

1491. Pursuant to the *Occupational Health and Safety Act*, the Mine Safety Regulations state that the minimum age of a worker in a mine shall be 16 years of age for surface mines (excluding the working face of such a mine); and 18 years of age at an underground mine or the working face of a surface mine. All individuals under the age of 21 years are prohibited from handling explosives.

1492. The *Education Act* provides for free educational programming appropriate to individual needs for children over the age of 5 years and younger than the age of 21.

1493. The *Liquor Act* prohibits any person under the age of 19 years from consuming and purchasing liquor in the Yukon.

General Principles

Non-discrimination

1494. Several Yukon statutes contain clauses that prevent discrimination against children. These statutes apply to all children in the Yukon.

1495. The *Human Rights Act* states among its objectives the advancement in the Yukon of a public policy that every individual is free and equal in dignity and rights, and the promotion of recognition of the inherent dignity and worth, and equal and inalienable rights, of all members of the human family.

1496. In the fall of 1998, amendments to the *Maintenance and Custody Enforcement Orders Act* and the *Family and Property and Support Act* changed the definition of spouse to include both common-law and same-sex couples ensuring that the provisions of these Acts apply equally to all families.

1497. The Women's Directorate promotes the use of Gender-Based Analysis in all policy and program work within government to work towards equitable treatment of the girl-child and women.

Best interests of the child

1498. The best interests of the child is a central principle of the *Children's Act*. Section 1 of the *Children's Act* states that the paramount consideration shall be the interests of any child affected by proceedings under this Act, and, where the rights or wishes of a parent or other person and the child conflict, that the best interests of the child shall prevail.

Respect for the views of the child

1499. Section 30.1 of the *Children's Act* states that in determining the best interests of a child for the purposes of an application under this Act in respect of custody of or access to a child, the courts shall consider all the needs and circumstances of the child including the views and preferences of the child, where such views can be reasonably ascertained. Provision is made for the independent legal representation of children in hearings under the *Children's Act.*

1500. Under the *Children's Act*, an adoption order shall not be made without the written consent of the child, where the person proposed to be adopted is 12 years of age or older and is capable of giving informed consent

Civil Rights and Freedoms

1501. In the fall of 1998, the *Children's Act* was amended to reinforce the rights of grandparents to continue their involvement in their grandchildren's lives in the event of family breakdown.

1502. The *Vital Statistics Act* requires that the birth of every child born in the Yukon be reported and registered within 30 days after the birth of that child.

1503. The *Children's Act* states that where practicable, a child shall be placed with a family of his or her own cultural background and lifestyle, preferably in the child's home community.

1504. The Yukon Government has entered into a five-year cooperative and funding agreement with the Government of Canada on the development and enhancement of Aboriginal languages. This agreement is in effect from April 1, 1998 to April 1, 2003.

1505. The objectives of this agreement are:

- to foster the maintenance, revitalization, growth and protection of Aboriginal languages;
- to enable Yukon Aboriginal communities to assume increased ownership of their Aboriginal language responsibilities; and
- to assist Aboriginal communities to meet their language needs.

Aboriginal children in the Yukon are beneficiaries of these programs and services.

1506. The *Children's Act* provides for the taking of a child into care where there are reasonable and probable grounds to believe that the child's life, safety or health is in immediate danger.

Family Environment and Alternate Care

1507. The *Family Violence Prevention Act* was assented to in December, 1997. This legislation is designed to address violent relationships between family members and intimate companions. The Act provides victims of family violence with additional ways to seek protection by establishing emergency intervention orders, victim's assistance orders and warrants of entry. An advisory committee held public meetings in 1998 throughout the Yukon to seek community input on the implementation of this legislation. This Act is expected to be proclaimed in 1999.

1508. In April, 1999, the Yukon government introduced an early childhood intervention program called the Healthy Families Program. The purpose of this program is to promote the health and well- being of children and families and to prevent the removal of children from their families for child protection reasons. This program is available to all Yukon residents.

1509. The Yukon continues its efforts to prevent the birth of children affected by Fetal Alcohol Syndrome/Effects. An overall strategy has been in place since the early 1990s and is periodically updated. The strategy includes public education, public health and direct client service components.

1510. The *Child Care Act* provides for the development of a range quality child services with parental, community and First Nation involvement. Yukon has 2 funding programs which support licensed child care. The Child Care Subsidy Programs assists low income families with the costs of licensed child care. The Direct Operating Grant Program provides funding to all licensed child care programs based on a formula which takes into consideration the ages and number of children in the program, the level of training of the staff and for child care centres, only, the building costs. Approximately 20 percent of Yukon children are in licensed child care.

1511. Pursuant to the *Children's Act*, it is the policy of the Yukon government to promote family units and diminish the need to take children into care, or to keep them in care. To that end, all reasonable steps are taken to ensure the safeguarding of children, to promote family conditions that lead to good parenting, and provide care and custody supervision for children in need of protection.

1512. The *Maintenance and Custody and Enforcement Act* provides for an order of a court in or outside the Yukon for payment of monies as maintenance or support. The *Reciprocal Enforcement of Maintenance Orders Act* provides for the enforcement of a reciprocal enforcement order in another province, state or country. The Yukon currently operates reciprocal enforcement with all Canadian provinces and territories, 30 U.S. states and with other countries.

1513. This Act was amended and passed in 1998 and proclamation is expected in the fall of 1999. The amendments included new enforcement measures enabling the government to:

- apply writs of garnishment or writs of seizure and sale against a corporation in which the respondent/debtor is the sole shareholder or has a controlling interest or his/her immediate family controls the corporation;
- remove the 30-day hold on garnished funds, except where a third party has an interest in the money;
- provide for orders against a respondent to be enforceable against the respondent/debtor's trade or business name or against a respondent/ debtor's share of a partnership;
- remove the limitation period of 10 years on the collections of arrears; and

- extend the life of garnishments from one year to until withdrawn by the director of maintenance enforcement.

1514. In the fall of 1998, the Yukon government passed amendments to the *Limitation of Actions Act.* These amendments recognized the plight of survivors and their intense need for healing by removing the time restrictions in matters of sexual abuse so that survivors can take action at any time. The amendments also apply to minors who suffered sexual assault or sexual misconduct in childhood. Moreover, the amendments provide for a transition phase that may serve to revive "time-expired" claims provided the right to bring these claims was never prohibited in the first place.

1515. The *Children's Act* provides for the protection of children. The Department of Health and Social Services is responsible for alternative care of children, including foster placement, or if necessary, placement in a suitable institution.

1516. The Official Guardian of children is the Public Administrator, who is responsible for protecting the rights and interests of minor children in legal proceedings pursuant to the *Children's Act.*

1517. Adoptions are handled pursuant to Part III of the *Children's Act.* The court may make an order granting an adoption where the court is satisfied that it is proper, and in the best interests of the person to be adopted, that the adoption should take place.

1518. The Department of Health and Social Services works with the appropriate authorities at the provincial, federal and international level to prevent and remedy the kidnaping or retention of children abroad by a parent.

1519. In December, 1997, the Yukon government passed the Intercountry Adoption (Hague Convention) Act to put this convention into force in the Yukon.

1520. The Yukon government has legislated the *International Convention on the Civil Aspects of International Child Abduction* as a schedule under the *Children's Act.*

1521. The *Children's Act* provides for the taking of a child into care when that child is being abused or neglected while in the care of parents, legal guardians or any other person who has care of the child.

Basic Health and Welfare

1522. In 1998, the Yukon developed an Anti-Poverty Strategy to ensure the interests of low income families are addressed in government policy making and decisions.

1523. Starting in the 1997-98 fiscal year, the Yukon government, in collaboration with the Government of Canada, implemented the National Child Benefit aimed at reducing child poverty.

1524. As a result of this program, in April, 1998, the Yukon introduced the Children's Drug and Optical Program, which provides free drug, optical and dentistry services to children in low income families.

1525. In April, 1999, the Yukon introduced the Children's Recreation Fund, which supports the recreational needs of children in low income families. These programs are available to all low income residents in the territory.

1526. In April, 1999, the Yukon Child Benefit was introduced to complement the National Child Benefit by providing direct cash payment to raise the income of low income families. It is estimated that 2,000 children are affected by this benefit. Eligible parents receive $300 per year per child.

1527. In the Yukon, social assistance programs also provide financial support to 17 and 18 year Olds in need who are no longer supported by their families.

1528. The Department of Health and Social Services in the Yukon offers a wide range of programs and services aimed at maintaining the health and welfare of all Yukon children.

1529. These programs and services are typically geared to the following areas:

- Prevention: a pre- and post-natal care and follow-up, immunization and a free dental health program are offered in all Yukon schools up to Grade 8.
- Screening: there is public health screening of all Yukon children; speech, hearing and vision assessments are carried out when required and developmental assessments are done through public health.
- Treatment: Universal treatment is provided on basic health care to children and adults. In addition, dental health treatment and speech and hearing services are provided to children, and the child development centre provides pre-school treatment services to children with disabilities and developmental problems.

1530. Services provided through the school program include family life education, health screening programs, and treatment services comprising physiotherapy and psychological counselling.

1531. The Yukon Liquor Corporation has a program whereby all alcohol sold in the Yukon is affixed with a special label that states: "Warning: drinking alcohol during pregnancy can cause birth defects", in an attempt to reduce the incidence of fetal alcohol effect or syndrome in new-borns.

Education, Leisure and Cultural Activities

1532. The Yukon government initiated the Youth Leadership Project in 1997. A team of trained youth deliver a recreation-based program in rural communities working with local youth trainees and community steering committees. The local trainees are paid positions and often include youth that are at risk. The community determines their own program based on need, resources and demographics. It is hoped that the leadership skills and community development will continue to benefit the community.

1533. In 1995, the Youth Investment Fund was established in response to a need to recognize and support community driven initiatives aimed at addressing the needs of Yukon youth. It was developed and sponsored by the Yukon Departments of Health & Social Services, Community and Transportation Services, Education, Justice and Women's Directorate. The YIF provides funding for short-term community projects, which involve youth. Youth must be involved in planning the project, and the activities of the project must be for youth. Projects must aim to prevent youth involvement in high-risk activities and/or encourage healthy alternatives.

1534. In February 1999, a youth conference was held. Called the Youth Plan to Take Over the World Conference, it was funded by the Youth Investment Fund, Skookum Jim Friendship Centre, Dept. of Justice, Education & Health and Social Services. The intent of the conference was to create an environment where Yukon youth are inspired and empowered to become more active in their communities. Sessions focused on alcohol and drug awareness, starting a business and Web page design.

1535. A Youth Services Canada project was started in Whitehorse in February 1998. The project is funded by Human Resources Development Canada, the City of Whitehorse, Crime Prevention Yukon, Yukon Justice, the Kwanlin Dun First Nation and the RCMP. A group of 15 youth experience different job situations, receive training, and work on community projects for a five month period. The idea is to get these youth back in to school or in a job.

1536. The Yukon government developed a Youth Strategy in 1998 with the belief that Yukon's youth want to participate in the territory's social, economic, cultural and political arenas. There are 5 major goals for this project:

- improve overall services to young people;.
- increase youth awareness of initiatives throughout the Yukon;
- develop & support processes to increase youth involvement in programs directed towards them;
- provide opportunities for youth to contribute to their communities in a positive manner.
- improve the health of Yukon youth.

1537. The Crime Prevention and Victim Services Trust Fund was established in the fall of 1997 to assist communities with projects that support victims of offences, reduce the incidence of crime, prevent violence against women and children, address the root cause of criminal behaviour and publicize information about how crime can be prevented as well as what services are available to victims of offenses. In the 1999 funding year, $96,549 was awarded to various community projects meeting these objectives.

1538. The Community Development Fund supports projects undertaken by municipal and First Nations governments and non-profit organizations in the Yukon that are designed to promote social, economic and community development. Since the current program was instituted in 1997, the program has regularly supported projects that provide educational, recreational, cultural and other opportunities for the territory's children.

1539. In 1996, the Department of Education and the Women's Directorate developed the Gender Equity in the Public School Policy. Since then, the Gender Equity Policy Committee, chaired by the Women's Directorate, has been working toward ensuring that the policy is implemented in Yukon schools.

1540. In the summer of 1999, for the third consecutive year, the Women's Directorate and the Youth Achievement Centre have run "Young Women of Grit", a 3-week adventure-based, outdoor leadership program designed for young women aged 13 to 18 who are working towards positive change in their lives.

1541. The *Education Act* provides for free educational programming appropriate to individual need for children over the age of 5 years 8 months and younger than the age of 21.

1542. Section 12 of the *Education Act* states that no tuition fees shall be charged to the student, or the parents of the student, for attending an educational program.

1543. The preamble to the *Education Act* recognizes that the Yukon curriculum must include the cultural and linguistic heritage of the Yukon Aboriginal people and the multi cultural heritage of Canada. It also recognizes that rights and privileges enjoyed by minorities as enshrined by the law shall be respected.

1544. Section 15 of the *Education Act* states that students who have intellectual, communicative, behaviourial, physical or multiple exceptionalities, or who are in need of special education programs, are entitled to receive an individualized education plan. The Act further states that a student who is entitled to receive such a plan shall have the program delivered in the least restrictive and most enabling environment.

1545. Section 34 of the *Education Act* outlines the rights of students as follows:

a) to receive a free educational program appropriate to their needs;
b) to receive an educational program outlined in an individualized education plan when the student is in need of a special educational program;
c) to examine and copy their student records;
d) to be provided with accommodation where they are required to live away from home to receive an educational program;
e) to be treated in a fair and consistent manner, and

f) to appeal, either alone or with their parents, decisions that significantly affect their education, health, or safety.

1546. Section 35 of the *Education Act* allows a student to express any religious, political, moral or other belief or opinion so long as the expression does not adversely affect the rights or education of other students, or the rights of other persons in the school.

1547. In the summer of 1999, the Yukon government started a review of the *Education Act.* Any changes which pertain to the rights of the child will be reflected in Canada's next report.

Special Protection Measures

1548. The administration of the *Young Offenders Act* is the responsibility of the provinces and territories. Juvenile justice in the Yukon territory is administered by the Department of Health and Social Services.

1549. Pursuant to the *Young Offenders Act*, young offenders are segregated from adults and treated appropriately. Young offenders who are in custody are held in separate facilities which are designed for this use and which range from group homes to a secure environment. These facilities incorporate educational, vocational, recreational and culturally relevant programming.

Promoting Principles and Conditions of the Convention

1550. During January to March, 1999, the services provided to young offenders were reviewed to ensure compliance with the provisions of the *Convention on the Rights of the Child* (and the UN rules for the protection of juveniles and for the administration of juvenile justice). This review involved staff and young people receiving these services.

NORTHWEST TERRITORIES

1551. The Northwest Territories' contribution to *Canada's Second Report to the United Nations on the Convention on the Rights of the Child* (Reporting Period: January 1993 to December 1997)

Definition of the Child

Article 1

1552. The new *Education Act* S.N.W.T. 1995, c.28 came into force on July 1, 1996. Under section 12, school is compulsory for every child from the age of 6 until the child turns 16.

1553. Consent to medical treatment by a minor is addressed by the common law in the Northwest Territories. If the child is a "mature minor", that is, the minor has the capacity to appreciate fully the nature and consequences of a particular treatment, then the minor has the legal capacity to consent to medical treatment on his or her own behalf.

1554. The *Marriage Act* R.S.N.W.T. 1988, c.M-4 requires that a person under the age of majority must have the consent of his or her parents before the publication of banns or the issue of a marriage licence, so that he or she may be married. A minor may make an application to court to dispense with his or her parents' consent and the court has the discretion to make an order dispensing with parental consent. In addition, no consent is required in the case of a minor who has attained the age of 18 years, if he or she makes a statutory declaration that he or she has withdrawn from parental charge for no less than 6 months prior to the date of the declaration, or for other specified reasons. A person under the age of 15 years may not marry unless there is proof that the female party is pregnant. In these circumstances parental consent is still necessary.

1555. The *Rules of the Supreme Court of the Northwest Territories* require that when a minor is sued the minor must defend by a "guardian *ad litem*" unless the court orders otherwise. The situation is somewhat different when a minor commences an action. The Rules indicate that a minor may sue or counterclaim by his or her "next friend" (a representative who is of the age of majority), but he or she does not have to have a "next friend." He or she may begin an action or counterclaim in his or her own name. However, the Rules require that parties who are "under a disability", which includes minors under the Rules, must be represented by a solicitor before the court. Nonetheless, under subrule 7(4) "the Court may grant an audience to any individual where it considers it appropriate in the interests of justice."

1556. Under the *Change of Name Act* R.S.N.W.T. 1988, c.C-3 an unmarried person under the age of majority may not make an application for a change of name. If a minor's parent applies for a change of name for the child, the consent of the child is required if the child is 12 or older; however, the court has the discretion to dispense with the child's consent.

General Principles

Article 2

1557. In respect of government action, including action by a territorial government, the principle of non-discrimination is included as a binding principle in the Constitution of Canada. Section 15 of the *Canadian Charter of Rights and Freedoms,* set out as Part I of the *Constitution Act, 1982*, guarantees equality before and under the law, and equal protection and benefit of the law, without discrimination, on the basis of a number of enumerated and analogous grounds.

1558. Section 15 also protects affirmative action programs or activities that have the object of amelioration of conditions of disadvantaged individuals or groups.

1559. The principles underlying section 15 of the *Canadian Charter of Rights and Freedoms* underpin the programs and services provided by the Government of the Northwest Territories.

1560. In addition, the Northwest Territories *Fair Practices Act* R.S.N.W.T. 1988, c.F-2 is human rights legislation in the Northwest Territories. The Act binds the private sector in respect of employment and the provision of accommodation, services and facilities. It prohibits discrimination on the basis of race, creed, colour, sex, marital status, nationality, ancestry, place of origin, disability, age or family status of a person or because of a conviction of a person for which a pardon has been granted.

Article 3

1561. Legislative reform in respect of family law, which began in late 1988, culminated in 3 new Acts, relating to children, coming into force in 1998. Although these Acts came into force later than the end of the designated reporting period, they have been addressed in this Report because their development spanned the entire reporting period. The Acts are the *Children's Law Act* S.N.W.T. 1997, c.14, the *Child and Family Services Act* S.N.W.T. 1997, c.13 and the *Adoption Act* S.N.W.T. 1998, c.9.

1562. The *Children's Law Act* deals with the following legal issues, among others: the status of children; the determination of parentage; parental custody of and access to children, child support and the guardianship of the estates (property) of children. The Preamble to the Act states that decisions concerning the custody of and access to children, and the guardianship of the estates of children, should be made in accordance with the best interests of children, with a recognition that differing cultural values and practices must be respected in those determinations. The recognition of differing cultural values and practices was included in large part to promote respect for multiculturalism, including the values and practices of the indigenous peoples of the Northwest Territories. The principle is repeated in substantive sections of the Act relating to custody, access and guardianship. For example, under section 17 this is the criterion that a court must consider in determining the merits of an application for custody and access.

1563. The *Child and Family Services Act* deals with the protection of children, for example from abuse or neglect, and services for families to assist them in their parenting roles. Throughout the Act, including in the Preamble, it is clearly stated that decisions concerning children should be made in accordance with the best interests of children, with a recognition that differing cultural values and practices must be respected in those determinations.

1564. The Preamble to the *Adoption Act* recognizes that decisions concerning the adoption of children should be made in accordance with the best interests of the child, again with a recognition that differing cultural values and practices must be respected in those decisions. This principle is repeated in substantive sections of the Act, for example, under section 34 a judge must be satisfied that an adoption will be in the best interest of the child before an adoption order is made.

1565. The Preamble to the *Education Act* sets out a principle that the focus of the education system must be: "students and on developing the physical, emotional, social, intellectual and spiritual aspects of their lives within a safe and positive learning environment." In pursuit of the best interests of all young people, the *Education Act* provides for the entitlement of all persons, between the ages of 6 and 21, to access to the NWT public school education program (kindergarten to grade 12). Sections 7 to 9 of the Act recognize the entitlement of all students to access to the education program in a regular instructional setting, and to support services, to ensure the effective inclusion of children with special needs.

Article 6

1566. As noted at paragraph 1310 of *Canada's first report*, the *Vital Statistics Act* R.S.N.W.T. 1988, c.V-3 requires that the birth of every child born in the Territories must be registered in accordance with the Act. Also under the Act, all stillbirths and all other deaths must be registered.

1567. To promote compliance with this requirement, parents are encouraged to complete the registration of birth prior to leaving the hospital or health centre where the birth occurred. In the case of death, a burial permit cannot be issued until a registration of death or stillbirth is completed.

1568. Under the *Coroner's Act* R.S.N.W.T. 1988, c.C-20 there is a legal duty on every person to report a death to a coroner or a police officer under circumstances where it appears that the death might have resulted from any of a number of reasons including violence, accident, suicide, neglect, misconduct, or other cause. As well, all deaths must be reported if death occurred when the deceased was detained, or in custody, involuntarily, or if the deceased was in the custody of a police officer. In addition, any police officer who has knowledge of a reportable death must notify a coroner.

1569. Under the *Coroner's Act* all reportable deaths must be investigated for determination of the cause of death and circumstances surrounding the death. A coroner has broad powers of investigation. Following the investigation, the coroner may hold an inquest (a form of hearing) under a number of circumstances, including for reasons related to public interest. At the conclusion of an inquest the jury makes determinations as to the cause of death and the jury may make any recommendations that it considers to be of assistance in preventing similar deaths.

1570. The *Child Day Care Act* R.S.N.W.T. c.C-5 protects children by requiring the licencing of child day-care facilities, setting out standards and providing for the inspection of such facilities. Through its grants and contributions policy the Department of Education, Culture and Employment provided funding for the start up and operations of day-care facilities during the reporting period in the following amounts: 1993-94: $1,238,000; 1994-95: $1,238,000; 1995-96: $1,238,000; 1996-97: $1,393,000.

1571. The *Child and Family Services Act* addresses the issue of the survival of the child, through protection measures and the provision of services to assist families to care for their children. "Child" is defined, for most purposes under the Act, to include only persons under the age of 16.

1572. Young people, from the age of 16 to the age of majority, are also protected under this Act through provisions allowing agreements between the government and the young person in respect of a number of support services, including: counselling; parenting programs; services for improving the person's financial situation; services for improving the person's housing; drug or alcohol treatment and rehabilitation; mediation of disputes; and any other services agreed to by the Director of Child & Family Services and the person.

1573. The Act creates a legal duty on every person to report information "of the need of protection of a child" to the child protection authorities, or to a peace officer, where the former is not available. The Act covers a broad scope of circumstances where a child is "in need of protection", for example, circumstances of physical harm including the risk of physical harm, neglect, sexual molestation or the risk of it, emotional harm, the requirement for medical treatment, malnutrition, abandonment, or death of the child's parents. Because the best interests of a child are of paramount importance, people are required to disclose this information even if the information was received in the context of privileged or confidential communications.

1574. Every reported incident requires assessment and, where advisable, investigation. Where a reported incident does not lead to an investigation, the person who assessed it must prepare a report to the Minister setting out the reasons for not investigating it.

1575. Where it is determined from an investigation and report that a child is in need of protection, and it appears that a child's health or safety is in danger, a child can be apprehended until the matter is otherwise resolved. Whether the child is apprehended or not, a "plan of care committee" must be established within 8 days of the conclusion of the report. Where the child is not apprehended in the interim period, support services may be offered.

1576. A child may also be apprehended prior to the completion of an investigation and report if there are reasonable grounds to believe that the child is in need of protection and the child's health or safety is in danger.

1577. The *Child and Family Services Act* is designed to involve the child (where the child has reached 12 years of age), members of the child's family and members of the child's community in committees that endeavour to develop plans for the care of the child, rather than resort to litigation. However, if matters are not resolved appropriately, or if the parent does not want the involvement of such a committee, then the matter would go before the court for determination.

1578. Suicide prevention is a priority for the Department of Health and Social Services. Between 1991 and 1995, the Department developed the Northwest Territories Suicide Prevention Training (the "NTSPT") curriculum, in response to a clear call for community-based training that emerged from regional suicide prevention forums held from 1990 to 1992. The NTSPT is a three-week program that trains participants in understanding grieving and healing, in risk assessment and basic counselling skills, and in community leadership. In 1996 and 1997, the Department funded 6 NTSPT programs throughout the Northwest Territories, east and west, training 100 people. Epidemiological research was also conducted in 1997, to get a better picture of trends in suicide rates and of the circumstances surrounding suicide. The results are being used to increase awareness of suicide risk factors in the NWT.

1579. Communities and regional health boards also deliver a variety of suicide prevention programs such as on-the-land programs and counselling for youth at risk.

1580. The following table summarizes the number of suicides in the Northwest Territories for the years 1993-1997:

age	# suicides Eastern NWT	# suicides Western NWT
13	2	-
14	4	-
15	4	-
16	7	1
17	6	1
18	11	-
Total	34	2

1581. The *Education Act* addresses the development of the child through the education system. The preamble to the Act, which informs the interpretation of other provisions by revealing the legislative purpose of the Act, and which carries over into the education system, recognizes that through education the people of the Northwest Territories can acquire the knowledge, skills and attitudes needed to be responsible, confident members of society. The preamble also enunciates the belief that the focus of the education system must be students and on developing the physical, emotional, social, intellectual and spiritual aspects of their lives within a safe and positive learning environment.

Article 12

1582. Under the *Child and Family Services Act* children who are 12 years of age and older must be given the opportunity to participate in decisions that affect them. Under the *Adoption Act*, where a child who is 12 or older is to be placed for adoption, the child is interviewed to determine his or her views and those views are included in the preplacement report. The views of a child under 12 are also sought, and included in the preplacement report, if the views can be reasonably ascertained. Except where it is determined by a court to be contrary to the best interests of a child in the circumstances, no adoption order can be made without the consent of a child who has attained 12 years of age.

1583. Under the *Children's Law Act*, when determining child custody and access arrangements, guardianship arrangements, or matters affecting the child's property, the court is to take into consideration the views and preferences of the child to the extent that the child is able to express them. It is also clearly stated in the Act that a child may commence a proceeding with respect to child support for himself or herself and with respect to the guardianship of his or her property. In respect of a court application for the custody of or access to a child, the child himself or herself could initiate such an application, but would have to first apply to the court for leave to do so. This is a requirement of all applicants except the parents of the child.

1584. The *Rules of the Supreme Court of the Northwest Territories* require that when a minor is sued the minor must defend by a "guardian *ad litem*" unless the court orders otherwise. The situation is somewhat different when a minor commences an action. The Rules indicate that a minor may sue or counterclaim by his or her "next friend" (a representative who is of the age of majority), but he or she does not have to have a "next friend." He or she may begin an action or counterclaim in his or her own name. However, the Rules require that parties who are "under a disability", which includes minors, must be represented by a solicitor. Nonetheless, under subrule 7(4) "the Court may grant an audience to any individual where it considers it appropriate in the interests of justice."

1585. The *Education Act* contains various provisions on rights of a child to express his or her views and to participate in proceedings. Students at a public (including a public denominational) school have the right to select a student representative to attend and participate on behalf of the student body, in public meetings of the District Education Authority. Under the Act, students have the right to examine and copy their student record. Students are to be consulted in the establishment of school rules by the District Education Authorities. The Act also contains provisions allowing a student, the student's parent or the student and parent together, to formally disagree with and initiate a dispute resolution process in respect of a suspension of the student or any decision of a member of an education staff that significantly affects the education, health or safety of a student.

Civil Rights and Freedoms

Article 7

1586. The *Vital Statistics Act* requires the mother, or if the mother is incapable the father, to be responsible for registering the birth of a child within 30 days of the birth. The Registrar General of Vital Statistics recommends to hospitals and health centres that birth registrations be completed before the parents leave the facility. In an effort to ensure that children are registered as soon as possible after the birth, registrations of births are forwarded by hospitals and health centres directly to the Vital Statistics Office, usually at the end of each month. If parents require a birth certificate for their child urgently, the Registrar General recommends that the parents contact the birth facility to request that the form be sent before month end.

1587. Under the *Vital Statistics Act* the child's surname and given names are to be shown on the birth registration. In cases where the parties are married, the name may be registered as the surname of the husband, the surname of the mother or a hyphenated or combined surname comprised of the surname of the husband and the mother. If the father of the child is not the husband of the married mother, then she can file a declaration to that effect so that particulars of the father may be placed on the birth registration (if he consents), instead of the particulars of her husband.

1588. In cases where the mother of a child is unmarried, if a person acknowledges himself to be the father of the child, then the child's surname may be registered as the surname of the father, the surname of the mother or a hyphenated or combined surname comprised of the surname of the father and the mother.

1589. Under the *Vital Statistics Act* particulars of a father, to whom the mother is not married, may not be included on the birth registration without both parents' acknowledgment of the man's paternity. If, under the *Children's Law Act,* a court later determines that a particular person is the father of the child then the birth registration would be amended to reflect that.

1590. Although the fact of whether or not a child's parents were married is recorded on the birth register, no difference in treatment arises as a result. It does not effect a child's legal status because any historical distinctions between children born to married parents and children born to unmarried parents have been abolished by the law.

1591. A child's right to know and be cared for by his or her parents is set out in the *Children's Law Act* as the responsibilities of parents to the child. The Act also contains provisions promoting access to the child by a non-custodial parent.

Article 16

1592. The child's privacy is protected by the Northwest Territories *Access to Information and Protection of Privacy Act* S.N.W.T. 1994,c.20 which came into force on December 31, 1996. The Act sets out conditions for the collection, use and disclosure of personal information by public bodies. Under the Act, personal information in the possession of a public body may not be disclosed except for limited purposes as set out in the Act.

Article 37 (*a*)

1593. To ensure that children are not subjected to cruel or degrading treatment or punishment and to protect the dignity of children, the *Education Act* prohibits corporal punishment in the discipline of students.

1594. In addition to the establishment of a system of child protection workers for the protection and well being of children in the *Child and Family Services Act*, one of the principles set out in it is that parents should use methods other than force by way of correction towards their children or in the discipline of their children.

Family Environment and Alternative Care

Article 5

1595. The Government of the Northwest Territories respects parental authority, as provided for in local custom, in the guidance of children as persons with evolving capacities. Unless there is a court order, the *Child and Family Services Act* only allows a child to be apprehended from his or her parents when the child needs protection and the child's health or safety is in danger. This Act also encourages the active participation of parents and other members of the child's extended family in resolving problems and arriving at plans of care for children who need protection.

Article 18, paragraphs 1 - 2

1596. Under the new family legislation in the Northwest Territories, parents retain the common responsibilities for the upbringing and development of the child, whether the parents are married or not. Both have obligations to maintain the child and both have the right to apply for custody of the child, or access to the child, when the parents do not live together.

1597. A child's legal status is not related to whether his or her parents were married. The *Children's Law Act* provides that, "...a person is the child of his or her natural parents and his or her status as their child is independent of whether he or she is born within or outside of marriage."

1598. Under the Act both parents have parental responsibilities and both are equally entitled to custody of the child except where the parents live separately and one parent has agreed to the other having sole custody, or where a court orders a different arrangement. In a court application for custody of, or access to, a child the court must consider the best interests of the child, with a recognition that differing cultural values and practices must be respected in the determination. The Act requires the court to consider all the needs and circumstances of a child when determining "best interests" and sets out a number of factors that should be considered in that assessment. One of these factors is the child's views and preferences. Another is the ability and willingness of each person seeking custody to provide the child with guidance, education and the necessities of life and to provide for any special needs of the child.

1599. In addition, the court is instructed to consider any evidence that a person seeking custody or access has at any time committed violence against the other parent, the child, or other members of his or her household, and the effect that this may have on the child.

1600. The *Children's Law Act* also contains provisions relating to the parental financial support obligation to the child when the child does not live with one or both of the parents. The Federal Child Support Guidelines made under the *Divorce Act* are adopted by the territorial legislation to ensure consistency of awards whether a child is born to married or unmarried parents.

Article 9

1601. Under the *Child and Family Services Act* a child may only be taken from his or her parents by the child protection authorities when it appears that the child is in need of protection and his or her health or safety is in danger. After apprehension, if the child is not returned to the parent or parents within 72 hours, the matter must be dealt with through a "plan of care committee" including the child (where the child is at least 12 years of age) and at least one of the parents, or through an application to court. If the matter is to proceed to court then the application must be made within 45 days after the day, whichever is later, on which a report was made to a child protection worker, the child was apprehended, or the parent elects to proceed to court.

1602. Other time limits within the Act require timely dispositions of child protection matters.

1603. Court proceedings under the Act are to be heard in private. Notice of any court proceedings must be given to the child's parents or other care givers and to the child, where the child has attained the age of 12 years. A child, aged 12 or over, who is the subject of a hearing, may be present at the hearing unless the court rules that it is not in the best interests of the child.

1604. In the matter of child custody and access arrangements between parents when they live apart, the *Children's Law Act* promotes a child's right to maintain personal relations and direct contact with the non-custodial parent in a number of ways. Whether a child's parents were married or not, if the child lives with only one parent, the other parent has a legal right to exercise access to the child, unless the parties enter a formal agreement to the contrary, or the court orders otherwise. Even if the parties enter a formal agreement that no access will be exercised by a parent, a court can review the agreement and order other arrangements where it is in the child's best interests. One of the factors that a court must look to in custody and access proceedings in determining the best interests of a child, is the willingness of each person seeking custody to facilitate access between the child and the other parent. Finally, the Act contains provisions for the enforcement of access arrangements, which can result in various forms of relief, for example, directions for supervision of access arrangements or the appointment of a mediator. The Act also requires that the views and preferences of the child be taken into consideration in custody and access proceedings, to the extent that the child is able to express them.

Article 11

1605. Canada is a signatory to the *Convention on the Civil Aspects of International Child Abduction*. The Convention extends to the Northwest Territories which enacted the *International Child Abduction Act* R.S.N.W.T. 1988, c. I-5 to implement the Convention. Under the Act, the Minister of Justice is the Central Authority for the Northwest Territories for the purposes of the Convention. A lawyer in the Department of Justice, Legal Division, who has familiarity with family law issues, is the designated contact person.

Article 27, paragraph 4

1606. The Department of Justice Maintenance Enforcement Program provides the service of the enforcement of support orders without charge. The *Maintenance Orders (Facilities for Enforcement) Act* contains a number of enforcement mechanisms that are available to the Maintenance Enforcement Administrator to streamline the process of effective enforcement.

Article 20

1607. The *Child and Family Services Act* recognizes that decisions concerning children should be made in accordance with the best interests of children, with a recognition that differing cultural values and practices must be respected in those determinations. When determining a child's best interests under the Act, all relevant factors must be considered. The listed factors include the child's cultural, linguistic and spiritual or religious upbringing and ties and the importance for the child's development of a positive relationship with his or her parent, a secure place as a wanted and needed member of the family, and a stable environment. One of the principles set out in the Act is that measures taken for the protection and well-being of children should, as far as possible, promote family and community integrity and continuity. A further principle is that services to children and their families should cause the least amount of disruption to the family and should promote the early reunification of the child with the family.

Article 21

1608. Adoptions, other than custom adoptions, are regulated under the *Adoption Act*. Adoption orders may only be effected through the court process. Both parents of a child who is given for adoption must consent to the adoption before an order can be made, except in limited circumstances where the court may dispense with a parent's consent.

1609. Changes to the adoption regime since the last report include the recognition in the *Adoption Act* that decisions concerning the adoption of children should be made in accordance with the best interests of children, with a recognition that differing cultural values and practices must be respected in those decisions. The Act continues to allow private adoptions, but requires that before a person receives a child for the purpose of private adoption, a pre-placement report must be prepared by an Adoption Worker and the Director of Adoptions must have approved the placement. The Act also provides for "departmental" adoptions, where the child is placed in the permanent custody of the Director of Child and Family Services under the *Child and Family Services Act*, and then the child is placed with an approved person or family by the Director of Adoptions.

1610. Before an adoption order can be made by the court, the person wanting to adopt the child must file a petition with the court along with supporting materials. A "family union report" is then prepared by a Child Adoption Worker or other authorized person, for presentation to the Court, along with the recommendations of the Director of Adoptions. The views of children who are capable of expressing them must be considered and the consent of a child aged 12 and up is required before an adoption order may be made, except where the court has reviewed the matter and determined that it is in the best interests of the child to dispense with the child's consent.

1611. The court may only make an adoption order where it is satisfied that: the petitioner is capable and willing to assume the responsibilities of a parent toward the child; the petitioner has demonstrated an understanding and appreciation of the issues related to adoption for the child and for the petitioner as parent; and, the adoption is in the best interests of the child.

1612. Under the *Adoption Act* an adoption order creates the legal relationship of parent and child between the adoptive parent or parents and the child. The order terminates the legal relationship of the child to the birth parents, except in respect of a person who was both a parent of the adopted child before the adoption order was made and the spouse of the adoptive parent (that is, in the situation of a step-parent adoption). The Act further provides that an order may be made granting a birth parent access to the child after the adoption, if it is in the best interests of the child to do so.

1613. The government respects the customs of the Aboriginal peoples who have practiced custom adoption for many years. The government does not regulate these adoptions. However, there are many circumstances where adoptive parents and their children want legal recognition of the custom adoption. For that reason, the *Aboriginal Custom Adoption Recognition Act* S.N.W.T. 1994, c.26 was developed and came into force on September 30, 1995. Custom adoption commissioners are appointed under the Act to receive and review each application for a certificate recognizing the custom adoption. A custom adoption commissioner must have knowledge and understanding of aboriginal customary law in a community or region. Upon receipt of materials in respect of a custom adoption, where the commissioner determines that the information is complete and in order, a certificate recognizing the adoption is issued and the certificate is filed in the Supreme Court of the Northwest Territories. Copies are transmitted to the relevant Registrar General of vital statistics and to the Registrar of the Northwest Territories Adoption Registry.

1614. In respect of inter-country adoptions, during the reporting period only one international adoption occurred. This private adoption was facilitated through a solicitor for a child born in the United States. International adoptions are not a common occurrence for the Northwest Territories. Only 3 such adoptions occurred during the period of 1980 to 1993, involving the adoption by people of relatives from out of the country.

1615. Adoption legislation in the Northwest Territories includes safeguards that relate to inter-country adoptions. The *Adoption Act* prohibits the giving or receiving of any payment or reward, either directly or indirectly, to procure or assist in procuring a child for the purpose of adoption. It prohibits a person from receiving a child for the purpose of a private adoption without the approval of the Director of Adoptions. Further, a person is prohibited from placing a child outside the Territories for the purpose of adoption without the Director's written approval of the proposed placement. All of these offences can result in a prison term of up to a year or a fine of up to $10,000 or both.

Article 25

1616. Under the *Child and Family Services Act,* where a court order is made that a child be placed in the temporary custody of the Director of Child and Family Services, the placement may not exceed a 12 month period. This necessitates periodic reviews by the court in the event that the child is not returned to a family member.

Article 19

1617. A Child Sexual Abuse Handbook was developed by the Department of Education, Culture and Employment and a protocol on the reporting of child abuse was developed in consultation with the Department of Justice, the Department of Health and Social Services and the Royal Canadian Mounted Police. The Child Sexual Abuse Handbook was provided to every school in the Northwest Territories. It is in the process of being updated to correspond with changes in the *Child and Family Services Act*. Upon completion it will again be distributed to schools.

1618. Under the *Child and Family Services Act* a child is defined to "need protection" where:

- the child has suffered physical harm inflicted by the child's parent or caused by the parent's unwillingness or inability to care and provide for or supervise and protect the child adequately;

- there is a substantial risk that the child will suffer physical harm inflicted by the child's parent or caused by the parent's unwillingness or inability to care and provide for or supervise and protect the child adequately;

- the child has been sexually molested or sexually exploited by the child's parent or by another person where the child's parent knew or should have known of the possibility of sexual molestation or sexual exploitation and was unwilling or unable to protect the child;

- there is a substantial risk that the child will be sexually molested or sexually exploited by the child's parent or by another person where the child's parent knows or should know of the possibility of sexual molestation or sexual exploitation and is unwilling or unable to protect the child;

- the child has demonstrated severe anxiety, depression, withdrawal, self-destructive behaviour, or aggressive behaviour towards others, or any other severe behaviour that is consistent with the child having suffered emotional harm, and the child's parent does not provide, or refuses or is unavailable or unable to consent to the provision of, services, treatment or healing processes to remedy or alleviate the harm;

- there is a substantial risk that the child will suffer emotional harm of the kind described in paragraph (e) and the child's parent does not provide, or refuses or is unavailable or unable to consent to the provision of, services, treatment or healing processes to prevent the harm;

- the child suffers from a mental, emotional or developmental condition that, if not remedied, could seriously impair the child's development and the child's parent does not provide, or refuses or is unavailable or unable to consent to the provision of, services, treatment or healing processes to remedy or alleviate the condition;

- the child's health or emotional or mental well-being has been harmed by the child's use of alcohol, drugs, solvents or similar substances and the child's parent is unavailable, unable or unwilling to properly care for the child;

- there is a substantial risk that the child's health or emotional or mental well-being will be harmed by the child's use of alcohol, drugs, solvents or similar substances and the child's parent is unavailable, unable or unwilling to properly care for the child;

- the child requires medical treatment to cure, prevent or alleviate serious physical harm or serious physical suffering and the child's parent does not provide, or refuses or is unavailable or unable to consent to the provision of, the treatment;

- the child suffers from malnutrition of a degree that, if not immediately remedied, could seriously impair the child's growth or development or result in permanent injury or death;

- the child has been abandoned by the child's parent without the child's parent having made adequate provision for the child's care or custody and the child's extended family has not made adequate provision for the child's care or custody;

- the child's parents have died without making adequate provision for the child's care or custody and the child's extended family has not made adequate provision for the child's care or custody;

- the child's parent is unavailable or unable or unwilling to properly care for the child and the child's extended family has not made adequate provision for the child's care; or

- the child is less than 12 years of age and has killed or seriously injured another person or has persisted in injuring others or causing damage to the property of others, and services, treatment or healing processes are necessary to prevent a recurrence and the child's parent does not provide, or refuses or is unavailable or unable to consent to the provision of, the services, treatment or healing processes.

1619. A person who has information of any of these circumstances has a legal duty to report the matter to a Child Protection Worker or peace officer. A breach of this legal duty is an offence punishable by a fine of up to $5,000 and to imprisonment for up to 6 months.

1620. There is a statement of principle in the *Child and Family Services Act* that it is to be administered and interpreted in accordance with the principle that children are entitled to protection from abuse and harm and from the threat of abuse and harm. "Abuse" is interpreted in the Act to include neglect or emotional, psychological, physical or sexual abuse. This principle extends to provisions on the approval of child care facilities and foster homes. It would also apply to provisions allowing the Director or a Child Protection Worker to visit a child at any time without notice, to check on the well-being of the child, and to inspect the facility or home where the child has been placed to ensure that it conforms with specified standards.

1621. The *Education Act* recognizes the need for a safe and positive learning environment for students and the Act specifically prohibits corporal punishment as a form of discipline.

Basic Health and Welfare

Article 24

1622. Appended to this report is the list of immunizations provided to children in the Northwest Territories and the administration schedule recommended by the Department of Health and Social Services. Immunizations are only provided with the consent of the parent.

1623. The Department of Health and Social Services is involved in many initiatives to improve the health and well-being of children by focusing on the education of parents during the prenatal and postnatal periods:

- *Brighter Futures*—This program is funded by Health Canada but administered by the department. The purpose of this program is to improve the physical, mental and social well-being of children and their families. Healthy babies and good parenting skills are two goals of this program.

- *Canada Prenatal Nutrition Program*—This program targets women who are at risk of having unhealthy babies due to the poor health and nutrition of the mother. This program includes food supplementation, nutrition counselling and support and education.

- *Community Action Program for Children*—This program helps community groups and organizations that address the health, educational and developmental needs of children up to the age of 6.

- *Healthy Children Initiative*—This is a family centred program with the goal of promoting healthy children growing up in strong, supportive families.

1624. Public Health Units also provide prenatal programs to educate and assist parents. Nurses monitor newborns, encourage immunizations and answer questions that new parents may have.

Article 18 (3)

1625. During the reporting period, there were 3 day-care facilities that operated in schools in the Northwest Territories. Due to low utilization by student parents, 2 of the facilities closed. Student parents in the 2 schools with facilities that closed typically chose to retain their former means of child care, for example, the care of children by other family members.

Articles 27, paragraphs 1 - 3

1626. Under the *Children's Law Act* parents have the legal responsibility to support their children where they are capable of doing so. An application may be made to court to enforce this obligation. Such applications are most often made when the parents of the child do not live together. The amount of child support that must be paid is determined through the Federal Child Support Guidelines, made under the *Divorce Act*, that were adopted under the *Children's Law Act.* Various provisions in the *Children's Law Act* require the disclosure of information about a person against whom an application for child support is made, in respect of the place of employment of the person and the income of the person, to prevent evasion of responsibilities.

Education Leisure and Cultural Activities

Article 28

1627. Under the *Education Act* that came into force in 1996, education is still compulsory for children from the ages of 6 to 16. Primary and secondary education continues to be free for all students whose parents or guardians live in the Northwest Territories.

1628. The Act now prohibits corporal punishment as a method of discipline in schools.

1629. The Career and Technology Studies program has been implemented in the Northwest Territories. Students require 5 credits in the Career and Technology Studies program modules to fulfill graduation requirements.

1630. During the reporting period, participation in Senior Secondary schools increased to 85 percent. The grade extension policy of the Department of Education, Culture and Employment has made the full K-12 system available in almost all communities in the Northwest Territories. Students who do not have the full K-12 system available in their home communities attend the later grades in the nearest community that offers the full program.

Article 29

1631. The *Education Act* allows for culture-based school programs as part of the public school education program for an education district. As a result, some schools provide education in Aboriginal languages and use Aboriginal culture and practice in their programs.

1632. The Act also requires education bodies, to the extent that qualified persons are available, to achieve and maintain a school staff that is representative of the cultural backgrounds of the population in the education district.

1633. The *Education Act* restricts religious teaching and practices in public schools. It only allows a teacher to make statements about spiritual or religious values or beliefs where the statement is required to explain an aspect of a subject or a world view and the statement is made in a manner that is respectful of the spiritual or religious values or beliefs of all the students. District Education Authorities may also authorize instruction on spiritual values or beliefs in a manner that is respectful of the values or beliefs of all students.

1634. In addition, there are public denominational schools in the Northwest Territories. They may provide religious instruction and may conduct religious exercises.

1635. The *Education Act* authorizes home schooling programs, but only under the supervision of an education authority. Further, a student in a home schooling program must be registered with a school in the education district where the child lives.

1636. The Act also authorizes private schools. They may be registered with the Minister of Education, Culture and Employment, and must meet specified conditions in order to be registered. The conditions include: the provision of a program of education approved by the Minister; meeting the standards of student achievement acceptable to the Minister; regular monitoring and evaluation as determined by the Minister; and, meeting all health, safety and building standards.

Article 33

1637. Under the *Child and Family Services Act* a child "needs protection" where the child's health or emotional well-being has been harmed by the child's use of alcohol, drugs, solvents or similar substances and the child's parent is unavailable, unable or unwilling to properly care for the child. In these circumstances, child protection workers will intervene so that the child's interests can be addressed.

1638. Under the *Liquor Act* it is not legal for children under the age of 19 to purchase alcoholic beverages.

Article 35

1639. As noted in the last report and above, the *Convention on the Civil Aspects of International Child Abduction* extends to the Northwest Territories. The *International Child Abduction Act* R.S.N.W.T. implements the Convention. Under the Act, the Minister of Justice is the Central Authority for the Northwest Territories for the purposes of the Convention. A lawyer in the Department of Justice, Legal Division, who has familiarity with family law issues, is the designated contact person.

Article 36

1640. As noted above, the *Child and Family Services Act* creates a legal duty on every person to report information "of the need of protection of a child" to a child protection worker, or to a peace officer where the former is not available. The Act covers a broad scope of circumstances where a child is "in need of protection."

APPENDIX

NWT Routine Immunization Schedule
Recommended Routine Immunization Schedules in the Northwest Territories
January 1996

TABLE 1

INFANTS BEGINNING SERIES IN EARLY INFANCY	
AGE	VACCINE
Birth	Hepatitis B BCG
1 Month	Hepatitis B
2 Months	DaPT Polio + Act-HIB
4 Months	DaPT Polio + Act-HIB
6 Months❤	DaPT Polio + Act-HIB Hepatitis B
After 1st Birthday	MMR
18 Months	DaPT Polio + Act-HIB MMR at Separate Site
4-6 Years♣	DaPT Polio
14-16 Years♦	Td

TABLE 2

CHILDREN 1-6 YEARS OF AGE NOT IMMUNIZED IN EARLY INFANCY	
VISIT	**VACCINE**
Internal Visit★	DaPT Polio + Act-HIB MMR (at Separate Site)
2 Months after 1st Visit	DaPT Polio + Act-HIB Hepatitis B
2 Months after 2nd Visit	DaPT Polio Hepatitis B
12 Months after 3rd Visit	DaPT Polio Hepatitis B
4-6 Years♣	DaPT Polio MMR
14-16 Years♦	Td Polio

TABLE 3

Unimmunized Children aged 7 years and over, and adults not immunized in childhood	
Visit	**Vaccine**
Initial Visit	Td Polio MMR (at Separate Site)
2 Months after 1st Visit	Td Polio
6-12 Months after 2nd Visit	Td Polio MMR (at Separate Site)
Every 10 Years Thereafter	Td

Notes

Interruption of a vaccine series does not require restarting series, regardless of the length of time elapsed since the last dose

HEPATITIS B

The vaccine is used directly as an intramuscular injection as supplied.

All infants in the NWT are eligible for this immunization program. One injection in each thigh should be used. For other categories, see NWT Hepatitis B Immunization Program.

BCG

BCG is recommended for all infants from communities with history of TB outbreaks of those born within families with history of TB. BCG vaccination should occur as soon as possible after birth. Eligible infants who have not been given BCG before the age of 2 months should have a tuberculin test before vaccination, unless only recently arrived from the hospital (e.g. premature infants).

Diphtheria, Pertussis, Tetanus and Polio

DaPT Polio, DT, TD Polio and Td are absorbed products and must be given intramuscularly.

Separate pertussis and IPV (inactivated polio vaccine, Salk) are fluid products and must be given subcutaneously.

♣ The 4-6 year (5th) dose of DaPT Polio in Tables 1 and 2 is not necessary if the preceding (4th) dose was given after the 4th birthday.

♦ The polio vaccine booster dose at age 14-16 years is not required if the child has completed a primary series and received one or more doses of OPV in the past.

Immunization of adults against poliomyelitis is not routinely recommended. Adults at high risk of polio virus exposure, however, should have received a primary series. Thereafter, booster dose of polio vaccine is recommended only for travelers to areas where poliomyelitis is epidemic or endemic. This booster dose may be given if 10 or more years have elapsed since their last dose of polio vaccine. Table 3 outlines the primary series for Unimmunized adults.

Haemophilus B (hib) Vaccine

DaPT Polio - Act-Hib (Pentavalent) is the infant Haemophilus influenza type b vaccine supplied in the NWT. The new Act-HIB should be reconstituted with DaPT Polio and administered intramuscularly.

The routine primary series for infants is a dose at 2, 4 and 6 months. A booster dose is given at 18 months of age. Only Act-Hib can be combined in the same syringe with DaPT Polio.

★ For children beginning their Hib vaccine series at 3 months of age or older, the recommended schedule is provided in the "Indications Usage" section of the Act-Hib product leaflet.

Hib vaccine is not routinely recommended for children 7 years and over.

Measles, Mumps, Rubella

The regular schedule now includes 2 doses of MMR, given at least 3 months apart from each other. Adults born after 1956 without evidence of immunity against these 3 diseases should receive MMR. All women of reproductive age without evidence of rubella immunity should receive MMR vaccine. A check of MMR vaccine status should be done at school entry (age 4-5) to ensure the doses have been given.

Detailed information is available in the manufacturer's product leaflets and the "Canadian Immunization Guide", 4th edition, 1993, Health Canada.

PART IV: ANNEXES

ANNEX A: STATISTICAL DATA

Demographics

In 1996, there were 7 million Canadians under the age of 18. Young people made up 25% of the total population. Both the number of children and their proportion within the population have fallen since 1971 when there were 7.7 million people under the age of 18, representing 36% of the total population.

Boys make up a slight majority of children. In 1996, males accounted for 51.3% of the population under the age of 15 This is in contrast to older age groups, beginning with those aged 25 to 34, where women outnumber men.

A growing number of Canadian children and youth were born outside of Canada. In 1995, 62,000 children immigrated to Canada; they made up 29% of all immigrants up from 18% in 1991.

Refugee children are decreasing in numbers. In 1995, 9,014 children immigrating to Canada were classified as refugees, a decrease from 1992, when 13, 133 immigrant children were admitted to Canada.

In 1996, 778,340 children under the age of 15 were identified as being members of a visible minority. These children made up 13% of all children in Canada and 24.3 % of all people belonging to visible minorities.

In 1996, 280,415 children less than age 15 were reported to have Aboriginal ethnic roots; these children made up 35% of the total population with Aboriginal ancestry.

The number of youth that live in families where neither English nor French is spoken at home is increasing—up from 6.7% in 1991 to 8% in 1996.

Mortality Rates

In 1995, 2,321 infants in Canada died before the age of one year. Of these deaths 68% occurred in the neonatal period (under 4 weeks of age) and 32% in the post-neonatal period. The two leading causes of neonatal death were conditions originating in the perinatal period (60%), such as respiratory distress syndrome, short gestation and low birth weight, and congenital anomalies (33%).

In 1996, the death rate of children aged 1 to 4 was higher than that of older children. In 1996, there were 33 deaths per 100,000 children aged 1 to 4, compared to 19 for those aged 5 to 9 and 22 for those aged 10 to 14. These death rates, however, are less than half of the death rates for these age categories in 1971.

Death rates are also somewhat higher among boys than girls. For example, among those aged 1 to 4 there were 38 deaths per 100,000 boys versus 27 among girls. For those aged 5 to 9, the figures were 21 deaths per 100,000 boys and 17 for girls. Among those aged 10 to 14, there were 27 deaths per 100,000 boys, compared with 17 among girls.

Young boys are more at risk for suicide deaths than are girls. In 1996 the suicide rate for 10-14 year old boys was 3.0 per 100,000 compared to 0.9 for girls. The suicide deaths of 15-19 year old boys in 1996 was 18.0 and for girls was 4.2. The suicide rate for boys and girls fluctuated between 1994 and 1996, but overall there has been a decrease (Table 23).

Firearms deaths

One hundred and three children died from firearms in 1994. Of this number, there were no homicides, 94 deaths were suicide, 7 deaths were accidental and 2 deaths were undetermined. In 1995, 91 individuals under the age of 19 died from firearms use. Of this number, there were no homicides, 73 deaths were from suicide, 13 were accidental and 3 were undetermined.

Children in Families

The number of families (married, common-law, or lone-parent) in Canada with children under 18 years has increased slightly. In 1996, there were 3.9 million families in Canada, up from 3.6 million in 1991.

In 1996, 84% of Canadian children under the age of 12 lived in two-parent families. Sixteen percent lived in lone-parent families, 83% of which were led by women.

In 1996, 32% of Aboriginal children under the age of 15 lived in lone-parent families—in urban areas, the rate was even higher at 46%.

The structure of Canadian families has changed over the years. The numbers of common-law families doubled from 6% in 1981 to 12% in 1996. Married couples represented 45% of all families.

Over 90% of parents surveyed in the *National Longitudinal Survey on Children and Youth* in 1994 had scores that indicated good family relationships.

Divorce and Separation

In 1996, 1 in 6 Canadian children under age 18 experienced the separation or divorce of their parents. In 87% of the cases, children under the age of 12 remain with their mothers when their parents separate; 7% live with their fathers, and 6 per cent live in joint custody arrangements.

In 1995, mothers were granted sole custody of 67% of all children involved in divorces, while in 21% of cases the parents were awarded joint custody. The percentage of fathers receiving sole custody has decreased from 12% in 1990 to 11% of cases in 1995. Joint custody arrangements have increased by a little more than 6% over the same period (Table 8).

The number of children involved in court custody arrangements has fallen in recent years, from a high of over 65,000 in 1982 to 48,000 in 1991, to 47,118 in 1996.

Missing Children

In 1997, 58,000 children were reported missing, an increase of 2,000 cases from the previous year. Runaways account for approximately 80% of all missing children. The majority of young people who ran away were between 12 and 17 years of age and 60% were female.

Support Payments

In 1996, 18% of low-income lone-parent mothers received support payments; the average amount received was $3,881.

One percent of low-income single women and 3% with children under 18 received support payments from previous marriages. This situation has deteriorated since 1990, when 19% of lone-parent families headed by women received financial support from outside their households and an average of $4,800 in alimony was received by lone-parent mothers, representing 18% of their total income.

Children not in families

A small number of children and youth do not grow up in their own families. These children are being raised in foster homes, group homes, institutions for young offenders, or are living on the street. Reliable statistics do not exist but child welfare experts estimate that there are 40,000 child and youth in care in Canada.

In 1996, 3.6% of native children aged 16 or younger and living on a reserve were wards of the state, down from 4% in 1991 and a decrease from a high of 6.5% in the latter part of the 1970s (Table 22). Through initiatives such as the First Nations Child and Family Services program, the government is supporting First Nations' efforts to heal their families and communities.

Intercountry Adoption

It is estimated that there are approximately 20,000 intercountry adoptions around the world every year, of which 2,000 involve Canadians.

Children with Disabilities

In 1991, 16% or 4.2 million Canadians were living with a disability. Nine percent of persons with disabilities were dependent children, while 91% were aged 15 years or more.

In 1997, 4% of Canadian children under age 12 were reported to have a learning disability. Learning disabilities are the most common disabilities among children under 15. These disabilities often are undiagnosed until a child has failed at school. The school drop out rate for children with a learning disability is 30%.

The National Longitudinal Survey on Children and Youth has, since 1994, collected data on children with "activity limitations" and chronic conditions, including asthma.

Childhood Diseases

National estimates of child immunization coverage in Canada are assessed at two years of age. It is estimated that 85% to 95% of children in this age group have been fully immunized according to national immunization policies.

There is an 98% rate of immunization against measles. Measles is now close to elimination with only 11 reported cases in 1998.

In 1996, less than 12% of deaths for children under the age of 14 were from diseases of the nervous or respiratory systems.

The number of new pediatric AIDS cases is declining. As of 1997, 170 Canadian children under age 15 have been diagnosed as having AIDS. Most of these cases occurred before 1995, and only 15 cases since that time.

The incidence of tuberculosis in Canada is decreasing. In 1994, there were 91 reported cases of children under 4 years of age with tuberculosis. The majority of cases now being reported in Canada occur among those who have come from other countries where the disease is more prevalent. There were no deaths from tuberculosis among children 0-18 in 1996 or 1997.

Health

According to the *National Longitudinal Survey of Children and Youth* of 1994, the parents of 88% of Canadian children under 12 reported that their children were generally in "excellent" health, with a further 10% of children reported to be in "good" health. However, 1 in 5 Canadian children are reported by their parents as having some type of short-term health problem.

Better prenatal and postnatal health care, as well as improved nutrition, have contributed to a decrease in infant mortality in the last several decades. Since 1962, the infant mortality rate (IMR) in Canada has consistently decreased. In 1996, Canada's IMR fell below 6 infant deaths per 1,000 live births for the first time. The rate was 6.1 for boys and 5.0 for girls.

In 1996, there were 12.0 infant deaths per 1,000 live births among registered Indians living on reserves, down from 17.5 a decade earlier. In 1989, the rate reached its lowest point with 9.9 infant deaths per 1,000 live births.

The leading causes of infant death vary within the first year of life. In 1996, the cause of death was specified in 1,176 out of 1,204 early neonatal cases. Most (68%) of these specified deaths were due to perinatal conditions, including respiratory distress syndrome and other respiratory conditions, disorders related to short gestation and low birth weight, complications of the placenta, cord and membranes, and birth asphyxia. Congenital anomalies accounted for almost all of the remaining early neonatal deaths.

Sudden Infant Death Syndrome (SIDS) is the leading cause of infant mortality in Canada. The number of SIDS deaths declined from 350 in 1991, a rate of 0.87 per 1, 000 live births, to 166 in 1996, a rate of 0.45 per 1,000 live births.

Pregnant women who smoke tend to have higher rates of miscarriage, stillborn babies, premature death, low birth-weight babies and babies who die of Sudden Infant Death Syndrome. A 1994 study revealed that 19% of women aged 20 to 44 smoked regularly during their most recent pregnancy.

The proportion of low birth weight babies (LBW) among live births remained relatively stable from 1986 to 1996. In 1996, 5.8% of babies weighed less than 2,500 grams at birth, compared with 5.5% in 1986.

The proportion of new mothers breast-feeding their babies at the time they left the hospital has increased from 73% in 1994 to 78% in 1998.

Unintentional Injuries

Injury continues to be the leading cause of death for children and youth from one to 19 years of age. However, injury mortality rates have been slowly decreasing. In 1997 unintentional injuries accounted for 40% of the deaths in this age group compared to 45% in 1993.

About 5.6% of male children and 3.4% of female children aged 1 to 4 are hospitalized each year for injuries; in the toddler years, the cumulative risk for injury is about 1 in 5 for boys and 1 in 7 for girls.

The rate of injury deaths among teens aged 15 to 19 remained roughly stable, increasing slightly from 42.3 per 100,000 population in 1991 to 42.46 in 1995.

The use of bicycle helmets is improving. Use by 12 to 24 year-Olds rose from 20% in 1994 to 33% in 1996. Use of helmets decreases as children age, 50% of children 12 to 14 are regular wearers compared to 25% of 15 to 19 years Olds.

The number of young Canadians using seat belts and car seats has increased dramatically in the last decade. Between 1989 and 1997, the proportion of Canadians under 16 using restraints properly increased from 51 to 80%.

Farm Safety

Children represent 10% of the total number of work-related farm fatalities identified in Canada. Among Canadian farm children under 14, there were a total of 70 work-related deaths between 1990 and 1996.

The numbers of farming injuries observed in children increased with age among boys but showed no similar trend among giris. From 1990 to 1996, 83 males under the age of 5 years and 114 males between the ages of 5 to 9 were hospitalized compared to 23 females between the ages of 5 to 9 and 123 males between the ages of 10 and 14.

Hospitalized injuries to males also greatly outnumbered those to females in all age groups for persons 15-59 years of age.

Tobacco Usage

Smoking prevalence among teens aged 15 to 19 has increased from 21% in 1990 to 29% in 1996.

In this age group, 27% of young males and 31% of young females smoked.

Among youth 10 to 14 years of age, 7% of males and 7% of females are smokers.

Nearly two thirds of current smokers aged 10-19 report having attempted to quit smoking at least once.

Smoking behaviour of peers is the most common reason given for youth starting to smoke. Of youth aged 15-19, 70% mention smoking behaviour of friends as a reason they started.

Environmental Health

In the 1994 *National Longitudinal Survey on Children and Youth,* many parents reported that their children suffered from asthma and allergies. Approximately 11% of Canadian children under 12 are reported to suffer from asthma. Asthma is responsible for 25% of school absences, and is also one of the leading causes of infant hospitalization. Approximately 14% of Canadian children under 12 are reported to suffer from allergies.

Environmental Tobacco Smoke (ETS) is associated with increased risks for adverse health effects in children (including respiratory illness, middle ear infections and impaired infection). Children exposed to ETS have three times the normal risk of heart disease. In Canada, 39% of children under the age of 6 live with one or more people who smoke and 45% of non-smoking teens aged 15 to 19 have daily contact with second-hand smoke.

Child Care Services

Over the years there has been an increase in two-parent working families. In 1997, 66% of women with at least one child under age 16 were employed. This was up from 63% in 1991.

In 1997, 59% of women with children under age 3 worked outside the home compared to 56% in 1994; in 1997, 62% of women whose youngest child was aged 3 to 5 worked outside the home, compared to 59% in 1994. At the same time, 71% of women whose youngest child was aged 6 to 15 were employed, up from 69% in 1994.

Female lone parents are much less likely to be employed than married women with children. In 1994, 47.7% of female lone parents with children under the age of 16 were employed.

In 1994-95, 40% of Canada's 2.3 million children aged 0 to 5 received some form of non-parental child care. These children are in a variety of care arrangements, spending an average of 27 hours per week in non-parental care.

In 1996, there were 366, 451 regulated day-care spaces for children (licensed or provincially-approved day-care centres) compared to 332,173 in 1994; and 69,027 regulated family day-care spaces (private families selected and supervised by a government or authorized private agency), up from 62,115 in 1994.

A 1994 national study drew attention to the fact that only 45% of children for whom licensed care was preferred by their parents actually received such care. Alternatives are often used because of unavailable spaces, expense, and lack of suitability with parents work schedules.

Child care access in First Nations communities differs from other Canadian communities. National data (excluding Ontario and Alberta) show that only 2.5% of children residing in Inuit or First Nations communities, whose parents work more than 20 hours a week or study full-time, have access to regulated child care services.

In 1994-95, 26% of children aged 6-12 were in need of care either before or after school. Of these, 80% are looked after in a home environment while roughly 19% attend day-care or after-school programs.

The need for child care services is slowly being recognized by employers. Between 1988 and 1997, the number of employers providing day-care services almost doubled from 4% to 7.8%. However, 64% of employers are now offering flexible work arrangements to help employees fulfil their family responsibilities—up dramatically from 35% in 1988.

Income Security

Employment earnings are the primary income source of Canadian family income. In 1997, 85% of families with children had earnings as their major source of income, while 13% had transfers as their major source.

In 1997, 19.8% (1,397,000) of all children under the age of 18 in Canada lived in a family with a pre-tax income below Statistics Canada's Low Income Cutoffs (LICOs). The incidence (19.8%) in 1997 dropped from 21.1% in 1996. The comparable incidence for persons 18-64 in 1997 was 16.4%, and was 18.7 % for persons 65 and over.

Children in lone-parent families are particularly likely to experience low incomes. In 1997, 51.1% of families headed by lone parents with children under age 18 had incomes below the LICOs. Such families made up only 16.1% of all families with at least one child, but accounted for 48.6% of those with incomes below the LICOs.

In 1997, 56% of female lone-parent families had incomes below the LICOs. In comparison, 12% of two-parent families with at least one child and 23.5% of male lone-parent families were considered to be low-income.

In 1995-96, the Federal Child Tax Benefit program provided $5.1 billion in benefits to 5.7 million children living in 3.3 million families. As a result of enrichments made by the federal government to this program, the total amount of benefits will increase to $7 billion in 2000, a 40% increase over the 1996 level.

From 1994 to 1996, 43% of registered Indians living on reserve received social assistance.

Housing

In 1995, 73% of Canadian children and youth under the age of 18 lived in homes owned by their parents. Another 25% live in rented accommodation. Children in two-parent families tend to live in privately owned housing, while children in lone-parent families are three times more likely to live in rental housing.

In 1996, 30% of all renter two-parent families spent more than one-third of their income on rent, up from 22% of families in 1991.

In 1996, 58% of lone-parent families had problems paying for housing, up from 51% in 1991.

In 1991, approximately 68% or 2.1 million family households enjoyed housing which met or exceeded standards of suitability, adequacy and affordability. Among the remaining one-third of all family households, 54% were spending 30% or more of their incomes on shelter, while 46% occupied housing considered crowded or inadequate. In total, 309,000 family households with 548,000 children, or less than 1 in 10 Canadian family households, were found to be in need of adequate housing.

Families in Aboriginal communities are often in greater housing need than those in other Canadian communities. In 1996-97, 47% of on-reserve dwellings required renovations or replacement. Crowded living conditions are also more frequent for on-reserve Aboriginal families. Crowding is particularly problematic for Canada's Inuit people, where 26% of households were in core-housing need and crowded.

In 1996-97, 96.1% of houses on-reserve had adequate water supply and 91.5% had sewage disposal systems, up from 82% and 72% respectively in 1987-88.

Housing and Homelessness

Canadian households spend 17 cents of every dollar in their 1996 budgets on shelter, and 12 cents on food. Expenditures on both food and shelter as a percentage of total expenditures are significantly higher for low-income families than for high-income families.

A large number of Canadian children in low-income families have benefitted from housing-related policies and programs initiated by Canadian governments. The Public Housing Evaluation reported that in 1990, almost one-quarter (24.1%) of all households in public housing were headed by a lone parent, compared with an incidence of 10.2% among all renter households combined. About 13% of public housing households were two-parent families. It has recently been estimated that about 35% of all federally assisted social housing, or approximately 230,000 of the 664,000 units across the country, houses one or more children under the age of 18. An estimated 450,000 children under 18 years of age live in these 230,000 households.

In 1996, there were 43,717 registered missing children identified as runaways in Canada. Other estimates have placed the runaway numbers as high as 150,000. Figures also vary for the number of street youth in Canada. One Canadian study estimates that in rural and small town settings, there are 3 street youth per 1,000 population, compared to 4 per 1,000 in larger centres.

Education and Employment

Almost all Canadian children are enrolled in school, thus changes in enrolment in elementary and secondary schools usually reflect trends in the overall number of children. In the 1995-96 academic year, 5.4 million children were enrolled in elementary and secondary schools. Additionally, the number of young people choosing to continue their education beyond secondary school is also increasing: close to 39% of 15 to 24 year olds had at least some post-secondary education. Canada has one of highest rates of post-secondary enrolment among industrialized countries.

Almost 5% of elementary and secondary students in Canada were enrolled in private schools.

There continues to be improvement in the enrolment rates of First Nations children on reserve. The total number of on-reserve children enrolled in kindergarten programs and elementary and secondary schools increased 33% between 1988 and 1997 (Table 22).

The number of Registered Indians and Inuit enrolled in post-secondary institutions doubled between 1988 and 1997, rising from 14,242 to 27,487.

The ratio of students to teachers in elementary and secondary schools has increased slightly in recent years. In 1995-96, there was an average of 16.3 students in these schools for every full-time equivalent teacher, compared to 15.5 in 1991-92 (Table 18).

In 1995, approximately 4 out of 5 people who graduated from university or college in 1990 were employed full time, with less than 10% working in jobs unrelated to their education. More than two thirds of trade/vocation graduates had full-time jobs.

Two-thirds of high school drop outs are males. However, leaving high school has even more serious consequences for females: in 1995, 30% of young women high school drop-outs were unemployed compared to 17% of their male counterparts.

Unemployment reached a high of over 20% by 1997 for youth aged 15 to 19. By early 1999 available indicators suggest that there has been significant improvement in the youth unemployment rate overall: youth unemployment rates for 15 to 24 year olds was 13.9%, the lowest it has been in over a decade.

In 1997, less than half of 15-17 year olds had summer employment compared to two-thirds who were employed in the summer of 1989.

Literacy and Language

In the first International Literacy Survey of Youth aged 16 to 25, nearly one-third of the Canadian youth were found to have the highest level of literacy skills, second only to Swedish youth. However, Canada also had the third largest proportion of youth with poor literacy skills—10%.

In 1995-96, 5% of all children in Canadian schools were enroled in a minority-language program (that is, English in Quebec and French in all other provinces).

In the same period, the majority of students in public schools, 58% in Quebec and 51% in all other provinces, participated in second language programs. In 1996-97, an estimated 6% of the eligible school population was enroled in language immersion programs. The remainder studied the second language as one of their regular courses.

Physical Activity

Teens in Canada rank well against those in other countries in terms of physical activity both in and out of school. In 1995, children under 5 spent an average 22 hours per week in physical play. Children aged 5 to 17 spent slightly less than 14 hours a week on physical activities, mainly in organized sports for boys, and in dance and gymnastics for girls.

However, one-quarter of Canadian children and youth are sedentary—girls, in particular. Adolescent boys spent 50% more energy on physical activities than did girls.

Parents level of activity and belief in the value of physical activity has a strong influence on children's activities.

Aboriginal Children

Nationally, 4.4% of all Canadians have Aboriginal ancestry. The population of Canada was 30,003,995 people in 1997. There are 608 First Nations, comprising 52 nations or cultural groups (such as Haida, Cree and Mohawk) and more than 50 languages.

The birth rate of Registered Indians is twice the Canadian average: 27 births per 1,000 people in the population compared to 13 for Canada as a whole. Infant mortality rates fell from 28 to 11 per 1,000 live births between 1979 and 1993. The national rate fell from 11 to 6 in the same period.

A large number of Registered (i.e.: Status) Indians are young, with a median age of 25 compared to a median of 35 years for all Canadians. Almost 53% of Registered Indians living on reserves are under 25 years old. The gender distribution (49:51 male: female) for Aboriginal people is approximately the same as for all Canadians. Population projections from 1997 to 2005 suggest that the Aboriginal population will grow by 1.7% yearly, a rate higher than the Canadian rate of 1.1%. On reserves, the population is projected to grow by 2.3% over the same period.

Many First Nation communities (43%) have fewer than 500 residents, only a small percentage (11%) have more than 2,000 residents. However, 38% of the population is concentrated in the larger communities, where only 12% of the population lives in smaller communities.

While most Aboriginal people live outside reserves, less than half of the Registered Indian population (41%) live outside reserves. From 1981 to 1991, the urban Aboriginal population grew by 62%, compared to 11% for other urban Canadians. By 2016, the urban Aboriginal population is projected to be 457,000. Population growth in urban areas is fueled by natural increases (birth rate) as well as net migration from rural areas.

ANNEX B : RECOMMENDATIONS OF THE STANDING COMMITTEE ON JUSTICE AND LEGAL AFFAIRS REGARDING THE ADMINISTRATION OF THE JUVENILE JUSTICE SYSTEM

The Standing Committee Report contains the following 14 recommendations to the federal government:

1. Maintain a separate youth justice system under the federal criminal law power.
2. Legislate a statement of purpose and guiding principles establishing the protection of society as the main goal and indicating that crime prevention and rehabilitation support that goal.
3. Discuss with provinces and territories comprehensive, multifaceted education campaigns on youth crime, the legislative framework and the youth justice system.
4. Allocate 1.5% (increasing to 5% by 2000) of current police, courts and corrections budgets to crime prevention.
5. Discuss with provinces and territories the shifting of resources away from custodial institutions and into community-based services.
6. Renegotiate young offenders' cost-sharing agreements to ensure that 80% of shareable costs are allocated to non-custodial programs and services.
7. Implement alternatives, such as police cautioning, family group conferencing and Aboriginal circle sentencing.
8. Enhance the role of youth justice committees.
9. Include 10 and 11 year olds alleged to have committed offences causing death or serious harm.
10. Maintain the current maximum age.
11. Allow for non-presumptive transfers at the post-adjudication, dispositional stage of proceedings and evaluate within three years Bill C-37 presumptive transfer provisions.
12. Require parents or guardians to attend youth court.

13. Provide judicial discretion to allow for the publication of names of young offenders where there is a risk of serious harm.

14. Provide judicial discretion to allow for the admission of statements to police officers into evidence where it would not bring the administration of justice into disrepute.

ANNEX C: JURISPRUDENCE

Baker v. Canada (Minister of Citizenship and Immigration), [1999] 2 S.C.R. 817

R. v. Sharpe, [1999] 136 C.C.C. (3d) 97

Hogan v. Newfoundland, [1998] N.J. no. 210

Larouche v. Quebec, [1997] A.Q. no. 3804

Adler v. Ontario, [1996] 3 S.C.R. 609

Mahé v. Alberta, [1990] 1 S.C.R. 342

Arsenault-Cameron v. Prince Edward Island, [1997] P.E.I.J. No. 7

Gordon v. Goertz, (1996), 19 R.F.L. (4th) 177, [1996] 2 S.C.R. 27

Young v. Young, 49 R.F.L. (3d) 117, [1993] 4 S.C.R. 3

McElroy v. McElroy, [1996] W.D.F.L. 2188 (B.C.S.C.)

Canada (Attorney General) v. McKenna, [1999] 1 F.C. 401

B. v. Children's Aid Society of Metropolitan Toronto, [1995] 1 S.C.R. 315

Aubry v. Editions Vice-Versa, [1998] 1 S.C.R. 591

R. v. M.(M.R.), [1998] 3 S.C.R. 393

Eaton v. Brant County Board of Education, [1997] 1 S.C.R. 241

Eldridge v. British Columbia (Attorney General), [1997] 3 S.C.R. 624

PART V: TABLES

Table 1: Number of children in Canada, 1921-1996

	Number of children					
	Under age 5	Aged 5 - 9	Aged 10 - 14	Total children under age 15	Total population	Children as % of total population
	000's					%
1921	1058.9	1050.2	914.3	3023.4	8787.9	34.4
1931	1074.6	1132.9	1074.2	3281.8	10376.8	31.6
1941	1051.9	1045.8	1100.9	3198.6	11506.7	27.8
1951	1722.1	1397.8	1130.8	4250.7	14009.4	30.3
1956	1983.6	1807.1	1434.6	5225.3	16080.8	32.4
1961	2256.4	2079.5	1856	6191	18238.2	34
1966	2197.4	2300.9	2093.5	6591.8	20014.9	32.9
1971	1816.2	2254	2310.7	6380.9	21568.3	29.6
1976	1732	1887.8	2276.4	5896.2	22992.6	25.6
1981	1783.4	1776.9	1920.9	5481.1	24343.2	22.5
1986	1810.2	1795	1786.8	5392	25309.3	21.3
1991	1906.5	1908	1878	5692.6	27296.9	20.9
1996	1917.8	1990	1993.4	5901.2	28846.8	20.5

Source: Statistics Canada Catalogues 93-310, 93F00Z1X0B9600

Table 2: Youth aged 15-17 and total children under age 18, 1971-1996

	Youth aged 15-17		Total children under age 18	
	Number (000s)	**As % of total population**	**Number (000s)**	**As % of total population**
1971	1314.9	6.1	7695.8	35.7
1976	1432.4	6.2	7328.6	31.9
1981	1364	5.6	6845.1	28.1
1986	1157.7	4.6	6549.6	25.9
1991	1121.6	4.1	6814.1	25
1996	1189.8	4.1	7091.1	24.6

Source: Statistics Canada Catalogues 92,716, 92-832, 92-901, 93-101, 93-310, and 93F0021XDB76001

Table 3: Immigrant children, 1975-1995 *

	Number	% of all immigrants
1975	51122	27.2
1976	38119	25.5
1977	27184	23.7
1978	18148	21
1979	24841	22.2
1980	32544	22.7
1981	26907	20.9
1982	24121	19.9
1983	15629	17.5
1984	15432	17.4
1985	15152	18
1986	17954	18.1
1987	30807	20.3
1988	34474	23.1
1989	42622	22.2
1990	45466	21.2
1991	42231	18.3
1992	63498	25.11
1993	68743	26.87
1994	62757	28.03
1995	61831	29.09

* Children aged 0-19 years.

Source: Citizenship and Immigration Canada, Immigration Statistics

Table 4: Region of birth of children immigrating to Canada, 1995

Country of Last Permanent Residence by World Area								
	Children Aged 0-19 years				As % of all Immigrant Children			
	1992	1993	1994	1995	1992	1993	1994	1995
Europe	12,028	12,927	10,801	11,406	18.94	18.8	17.21	18.44
Africa	5,102	4,948	4,536	4,977	8.03	7.19	7.22	8.04
Asia	32,450	37,819	37,585	36,509	51.1	55.01	59.88	59.04
Australia/ Asia	168	188	140	154	0.26	0.27	0.22	0.24
North & Central America	6,182	5,025	31,898	2,445	9.73	7.3	5.08	3.95
Caribbean	4,132	4,738	4,028	3	6.5	6.89	6.41	0.004
South America	2,694	2,622	2,149	2,154	4.24	3.81	3.42	3.48
Oceania & Other Ocean Islands	708	475	329	208	1.11	0.69	0.52	0.33
Not Stated	34	0	0	0	0.05	0	0	0
Total Children	63,498	68,743	62,757	61,831				
Canada Total	252,842	255,819	223,875	212,504				

Source: Citizenship and Immigration Canada.

Table 5: Immigrant refugee children, 1992-1995

	Immigrant Refugee Children	As % of Immigrant Children	Canada Totals
(Aged 0–18 Years)			
1992	13133	20.68	252842
1993	8627	12.54	255819
1994	6415	10.22	223875
1995	9014	14.57	212504

Source: Citizenship and Immigration Canada

Table 6: Children among visible minority populations, 1996

	Population under age 15	**% of people in group**
Visible minorities:		
Black	170,870	29.8
Chinese	171,110	19.9
South Asian	168,585	35.1
West Asian and Arab	69,850	24.9
Philipino	50,985	21.8
Southeast Asian	49,295	28.5
Latin-American	46,530	26.3
Japanese	12,545	18.4
Korean	12,115	18.7
Total visible minorities(1)	778,340	24.3

(1) Includes those with multiple ethnicity & visible minorities n.i.e. (not included elsewhere)

Source: Statistics Canada, Catalogue 93F0026XDB96005

Table 7: Living arrangements of children under age 15 and youth aged 15-17 (1), 1991 and 1996

	Children under age 15				**Youth aged 15-17**			
	1996		**1991**		**1996**		**1991**	
	000s	**%**	**000s**	**%**	**000s**	**%**	**000s**	**%**
In families:								
Husband-wife families	4819.2	81.7	7477.7	83.5	919.3	78	864.4	78.7
Lone-parent families	942.7	10	782.2	13.8	219.5	18.6	180.1	16.4
Families with other relatives	93	1.6	86.9	1.5	21	1.8	19.3	1.8
Families with non-relatives only	29.3	0.5	50.5	0.9	18.3	1.6	25.3	2.3
Not in families:								
Orphanages and children's homes	1	0.02	1.3	0.02	na	na	1.3	0.1
Other institutional households	1.7	0.03	2	0.03	na	na	2.4	0.2
Other collective households	13.2	0.2	13.4	0.2	na	na	4.4	0.4
Living alone	0	0	-	-	1.6	-	10.9	0.2
Total	5900.1	100	5681.2	100			1099	100

(1) Excludes children temporarily away from their main place of residence.

Source: Statistics Canada, Catalogues 93-106, 93-312, 93F0030XDB96008, 93F0021XDB96001

Table 8: Dependent children involved in divorces, by party obtaining custody, 1978-1995

	Wife	Husband	Joint	Other person/ agency	No award	Total	Total number of children
	Percentage						
1978	78.7	15.6	–	0.3	5.4	100	59376
1979	78.7	15.8	–	0.2	5.3	100	57856
1980	78.2	16	–	0.2	5.6	100	59600
1981	77.9	15.8	–	0.3	6	100	62434
1982	77.2	15.6	–	0.2	7	100	65341
1983	74.9	15.8	–	0.2	9.1	100	64221
1984	74.3	15.5	–	0.2	10	100	60063
1985	72.7	15.2	–	0.3	11.8	100	56336
1986	71.9	15.3	1.2	0.4	11.2	100	60450
1987	74.7	13.6	7.5	0.2	4	100	53699
1988	75.8	12.8	10.1	0.3	1	100	50249
1989	74.1	12.8	12.4	0.2	0.5	100	50333
1990	73.2	12.3	14.1	0.2	0.2	100	48527
1994(1)	69.5	9.8	20.5	0.1	0.02	100	47667
1995(2)	67.6	10.9	21.4	0.2	0.01	100	47118

(1) The number of dependent children in divorces involving custody orders includes only those children from divorces in which the Divorce Court made a custody decision.

(2) In 1994, a total of 90 children were included under the Divorce Act of 1968. Information on these cases is not included in this table.

Source: Statistics Canada, Catalogues 82-003, 84-205, 84-213

Table 9: Missing children, by cause of disappearance, 1996

Figure 1: All reported missing children—Number

Probable cause	1992	1993	1994	1995	1996
Stranger abduction	70	61	68	68	45
Accident	44	26	24	35	34
Wandered off	635	543	672	720	822
Parental abduction	378	407	394	354	409
Runaway	42,518	43,102	40,140	43,709	43,717
Unknown	11,193	9,959	8,901	9,039	9,181
Other	1,834	1,801	1,774	1,824	1,914
Total	56,672	55,899	51,973	55,749	56,122
Total known reasons		45,940	43,072	46,710	46,941

Figure 2: All reported missing children—% of cases with known cause

Probable cause	1992	1993	1994	1995	1996
Stranger abduction		0.13%	0.15%	0.14%	0.09%
Accident		0.05%	0.05%	0.07%	0.07%
Wandered off		1.18%	1.56%	1.54%	1.75%
Parental abduction		0.88%	0.91%	0.75%	0.87%
Runaway		93.82%	93.19%	93.57%	93.13%
Unknown					
Other		3.92%	4.11%	3.90%	4.07%
Total					
Total known reasons					

Source: Royal Canadian Mounted Police, Missing Children's Registry

Table 10: Employment Rates of Mothers (1) by age of youngest child, 1981-1997

	Age of youngest child			
	Less than 3 years	**3-5 years**	**6-15 years**	**Total with children less than 16 years**
	Percentage			
1981	39.1	46.8	56.6	49.5
1982	39.2	46.3	55.4	48.8
1983	41.7	47.8	55.2	49.7
1984	44.1	49.2	57.5	52
1985	46.6	52.1	59	54
1986	49.2	54.5	61.9	56.7
1987	50.4	56.3	64	58.5
1988	51.7	58.3	66.7	60.6
1989	52.8	59.5	69.1	62.3
1990	53.3	59.5	70.2	63.1
1991	54.3	60.1	69	62.9
1992	53.6	59.4	68	61.9
1993	54.6	59.6	68.7	62.7
1994	55.7	59.2	68.6	62.9
1995	55.9	60.2	69.7	63.8
1996	57.8	60.6	69.9	64.6
1997	58.5	61.7	70.8	65.5
000s of working mothers (1992)	531	352	1088	1971

(1) Includes those with children less than age 16 living at home

Source: Statistics Canada, Catalogue 71F0004XCB

Table 11: Day care spaces, by type, 1971-1996

	Day care centre spaces(1)		Family day care spaces(2)		Total day care spaces	
	Number	%	Number	%	Number	%
1971	16,791	96.5	600	3.5	17,391	100
1975	62,581	93.3	4,671	6.7	69,952	100
1980	98,238	90	10,903	10	109,141	100
1985	169,751	88.2	22,623	11.8	192,374	100
1986	196,802	89.7	22,715	10.3	220,517	100
1987	216,685	89	26,860	11	243,545	100
1988	232,787	88.3	30,839	11.7	263,626	100
1989	259,891	87.2	38,192	12.8	298,083	100
1990	282,465	88.1	38,159	11.9	320,624	100
1991	292,338	87.8	40,744	12.2	333,082	100
1992	302,790	86.3	47,890	13.7	350,680	100
1993	308,424	85	54,394	15	362,818	100
1994	332,173	84.2	62,115	15.8	394,288	100
1995	346,810	84	65,933	16	412,743	100
1996	366,451	84.1	69,027	15.9	435,478	100

(1) Licensed or provincially approved day care centres

(2) Private families selected and supervised by a government or authorized private agency

Source: Human Resources Development Canada, Status of Daycare in Canada

Table 12: Maternity absences from work, 1980-1997

Reference year	Total maternity absences (ended)	Maternity absences as a % of employed women aged 15-44	% of maternity absences compensated
1980	86,991	2.7	76.6
1981	110,108	3.2	80.7
1982	112,501	3.4	84.8
1983	116,319	3.4	87.1
1984	118,204	3.3	88.5
1985	141,901	3.9	90.7
1986	137,196	3.6	92
1987	152,650	3.9	92.2
1988	116,715	2.9	85.7
1989	163,841	3.9	90.2
1990	162,896	3.8	86.6
1991	163,759	3.9	89
1992	174,703	4.1	91.2
1993	148,913	3.5	84.9
1994	168,428	3.9	89.6
1995	148,120	3.4	94.5
1996	156,281	3.6	90.6
1997	180,949	4.1	86.6

Source: Statistics Canada, Absence from Work Survey

Table 13: Infant mortality, 1960-1996

	Infant Mortality[1]	
	Deaths	Rate[2]
1960	13,077	27.3
1965	9,862	23.6
1970	7,001	18.8
1975	4,902	14.3
1980	3,868	10.4
1985	2,982	8
1986	2,938	7.9
1987	2,706	7.3
1988	2,705	7.2
1989	2,795	7.1
1990	2,766	6.8
1991	2,571	6.9
1992	2,431	6.1
1993	2,448	6.3
1994	2,418	6.3
1995	2,321	6.1
1996	2,051	5.6

(1) Under 1 year of age

(2) Deaths per 1,000 live births

Source: Statistics Canada, Catalogues 84-210, 84-214

Table 14: Causes of infant deaths[1] by sex, 1996

Causes of Death	Male		Female		Total	
	Number	%	Number	%	Number	%
Perinatal conditions [2]	544	47.1	404	45.1	948	46.2
Congenital anomalies [3]	313	27.1	262	29.2	575	28
Sudden infant death syndrome	94	8.1	72	8	166	8.1
Injuries	33	2.9	14	1.6	47	2.3
Diseases of the respiratory system	18	1.6	18	2	36	1.8
Diseases of the nervous system	25	2.2	18	2	43	2.1
Other	128	11.1	108	12.1	236	11.5
Total	1,155	100	896	100	2,051	100

(1) Under 1 year of age

(2) For example, birth trauma, birth asphyxia

(3) For example, anencephalus, spina bifida

Source: Statistics Canada, Catalogue 84-208

Table 15: Causes of deaths of children aged 1-14, 1996

Cause of death	Children aged						Total	
	1-4 years		5-9 years		10-14 years			
	Number	%	Number	%	Number	%	Number	%
Accidents/ adverse effects	147	31.9	151	50.8	153	45.1	451	41.1
Congenital anomalies[1]	68	14.8	19	6.4	33	9.7	120	10.9
Cancer	63	13.7	56	18.9	60	17.7	79	16.3
Diseases of the nervous system	28	6.1	25	8.4	21	6.2	74	6.7
Diseases of the respiratory system	32	6.9	7	2.4	9	2.7	48	4.4
Other	123	26.7	39	13.1	63	18.6	225	20.5
Total	461	100	297	100	339	100	1,097	100

(1) For example, anencephalus, spina bifida

Source: Statistics Canada, Catalogue 84-208

Table 16: Children[1] with AIDS, 1997

	Number	%
Total reported pediatric cases of AIDS[2] - % of all reported AIDS cases	170 ---	100.0 1.1
Year of Diagnosis:		
pre-1988	39	22.9
1988	9	5.3
1989	12	7.1
1990	11	6.5
1991	12	7.1
1992	17	10
1993	13	7.6
1994	18	10.6
1995	24	14.1
1996	10	5.9
1997	5	2.9
Total	170	100
Exposure Category:		
Perinatal	133	78.2
Recipient of blood	17	10
Recipient of clotting factor	11	6.5
No identifiable risk	9	5.3
Total	170	100
Province:		
Quebec	87	51.1
Ontario	55	32.4
British Columbia	11	6.5
Other	17	10
Total	170	100

(1) Aged 0-14 at time of diagnosis with AIDS

(2) Cases diagnosed to December 31, 1997 and reported to LCDC by February 27, 1998

Source: Bureau of HIV/AIDS, STD and TB, LCDC, HPB, Health Canada

Table 17: Incidence of low income, 1981-1996

	Children under age 18 in low-income families			Incidence of low income among families[1] with children		
	Number	As % of all children	As % of low-income population	Husband-wife families	Lone-parent families	
					With female head	With male head
	000s	Percentage				
1981	1,070	16.4	27.9	10.2	53.5	18.7
1982	1,258	19.1	29.5	11.9	59.3	26.1
1983	1,299	19.8	27.9	12.6	60.7	28.6
1984	1,861	21	28.7	13.1	62.3	29
1985	1,258	19.5	28	11.8	61.1	20.9
1986	1,148	17.6	27	10.9	57.7	23.4
1987	1,150	17.7	27	10.3	58.3	18.4
1988	1,053	16.1	26.1	9.1	55.3	24.3
1989	1,016	15.3	27	8.7	52.1	20.3
1990	1,195	17.8	28.6	9.8	59.5	25.5
1991	1,281	18.9	28.2	10.8	60.3	22.6
1992	1,816	19.2	27.7	10.6	56.9	18.9
1993	1,484	21.3	28.9	12.2	69	30.9
1994	1,362	19.5	27.6	11.5	56.4	32.3
1995	1,472	21	28.3	12.8	56.8	30.7
1996	1,498	21.1	28.3	11.8	60.8	31.3

(1) Head less than age 65 and with single children less than age 18 living at home

Source: Statistics Canada, Catalogue 13-207

Table 18: Selected education indicators, 1971-72 to 1995-96

	Elementary/secondary enrolment [1]	% in private schools	Student/teacher ratio in public [2] schools
	000s		
1971-1972	5801.9	2.4	---
1972-1973	5756.3	2.6	---
1973-1974	5686.9	2.8	---
1974-1975	5629.3	3.1	---
1975-1976	5591.1	3.3	---
1976-1977	5510.1	3.4	---
1977-1978	5407.2	3.5	---
1978-1979	5290.7	3.7	---
1979-1980	5181.5	3.8	---
1980-1981	5103.1	4.1	17.2
1981-1982	5021	4.3	17
1982-1983	4991	4.5	17
1983-1984	4971.9	4.6	16.9
1984-1985	4947.2	4.8	16.8
1985-1986	4925	4.8	16.7
1986-1987	4935.3	4.6	16.6
1987-1988	4970.3	4.6	16.3
1988-1989	5021.6	4.6	16
1989-1990	5072.9	4.6	15.7
1990-1991	5138.6	4.7	---
1991-1992	5218.2	4.7	15.5
1992-1993	5284.1	4.9	15.7
1993-1994	5327.8	5	16.1
1994-1995	5362.8	5.1	16.1
1995-1996	5440.3	5.1	16.3

(1) Includes all students registered in public, private and federal schools and schools for the visually & hearing impaired (excluded 1971/72 - 1990/92) as well as DND schools overseas

(2) As of 1991/92 ratio includes all schools

Source: Statistics Canada, Catalogue 91-229, and Council of Ministers of Education, A Statistical Portrait of Elementary and Secondary Education in Canada

Table 19: Television viewing by children, 1985-1995

	Children aged		Total Canadian population
	2-11 years	12-17 years	
	Average hours per week		
1985	21.3	20.5	24.1
1988	20.3	18.6	23.5
1989	20.3	18.1	23.5
1990	19.4	17.7	23.3
1991	18.8	18.4	23.3
1992	18.6	17	23
1993	18.6	17.4	22.8
1994	17.7	17.1	22.7
1995	17.8	17.5	23.2
Program type (1995)			
Drama	32.2	30.7	27.2
Comedy	21.6	24.7	13.2
Variety/Games	8.1	9.1	10.1
News/public affairs/ documentary	8.6	13.6	27
Instruction	8.6	0.8	2.5
Sports	3.9	8.3	9.1
Music/Dance	1	2.3	1.6
Religion	0.1	0.1	0.3
Other	15.9	10.5	9.1
Total	100	100	100

Source: Statistics Canada, Catalogues 87,208, 87F0006

Table 20: Youths charged (1) by type of offence (1992-1996)

	1992	1993	1994	1995	1996
Homicide					
Number	53	36	52	61	50
% (2)	8.6	6.6	10.6	10.8	10.0
Sexual Assault					
Number	2,072	21,331	1,899	1,584	1,516
% (2)	15.4	15.2	15.7	14.7	15.3
All violent offences					
Number	20,033	21,471	21,656	22,375	21,776
% (2)	13.7	14.3	14.7	16.0	16.1
Property offences					
Number	83,642	75,001	69,045	68,138	65,835
% (2)	30.0	29.3	30.0	30.0	29.2
All Criminal Code offences					
Number	135,348	126,932	119,759	120,632	117,738
% (2)	22.1	21.8	18.5	19.3	19.3
Drug Offences					
Number	2,634	3,426	4,797	5,076	5,446
% (2)	6.0	8.0	11.0	4.9	12.4
All offences					
Number	161,354	150,696	127,199	128,769	126,823
% (2)	18.6	18.4	18.1	18.9	19.1

(1) Includes all persons aged 12-17 charged with an offence in contrast to years prior to 1992, the "youths charged" count refers only to the number of adolescents against whom charges were laid or recommended by the Police.

(2) The percentage refers to the number of youths charged as a proportion of all adults and youth charged.

Source: Statistics Canada, Catalogue 82-205

Table 21: Average number of young offenders in custody(1) per day, 1992-93 to 1996-97

	Secure custody		Open custody		Remand/ temporary detention		Total	
	Number	%	Number	%	Number	%	Number	%
1992-1993	1,790.0	39.5	2,032.0	44.1	858.0	16.4	4,161.0	100.0
1993-1994	1,906.0	38.3	2,112.0	43.6	717.0	18.1	4,066.0	100.0
1994-1995	1,758.0	39.1	2,008.0	41.6	554.0	19.2	4,229.0	100.0
1995-1996	1,041.0	39.2	1,279.0	41.9	544.0	18.9	4,318.0	100.0
1996-1997	777.0	37.0	1,796.0	43.9	468.0	19.1	4,417.0	100.0

(1) Ontario—Full custody data counts were not available since October 1993

Source: Statistics Canada, Catalogue 85-222-XPE

Table 22: Selected Indicators for Registered Indian Population on Reserve

YEAR	Infant deaths per 1,000 live births	Enrolment in elementary/secondary schools on reserve as % of population 4-18	% of students staying in school until Grade 12	% of children aged<16 and in care
1975	40.6	81	15.8	5.9
1976	40.6	81	14.3	6.3
1977	40.6	81	17	6.5
1978	26.5	93.5	172	6.2
1979	26.5	93.5	18.9	6.5
1980	26.5	93.5	19.6	6.2
1981	26.5	93.5	20.7	6
1982	26.5	93.5	28.6	5.4
1983	18.2	87.4	30.5	4.8
1984	18.2	87.4	30.6	4
1985	18.2	87.4	33.9	4
1986	17.5	79.4	42.2	3.5
1987	11.7	80.9	37.4	3.6
1988	12.7	80.9	38.6	3.9
1989	9.9	82.1	41.6	3.9
1990	10.2	81.5	47	4
1991	11.9	82.3	53.6	4
1992	12.6	82.6	62.8	3.8
1993	10.9	82.6	77.7	4
1994	12	82.9	73.3	4
1995	12	81.6	75.1	3.6
1996	12	81.9	70.8	3.6

Source: Basic Departmental Data. Department of Indian and Northern Affairs, 1998/99

Table 23: Suicides

	Child and Youth Suicides in Canada									
	Boys 5-9	**Rate Boys 5-9**	**Boys 10-14**	**Rate Boys 10-14**	**Boys 15-19**	**Rate Boys 15-19**	**Girls 10-14**	**Rate Girls 10-14**	**Girls 15-19**	**Rate Girls 15-19**
1994			37	3.6	205	20.3	12	1.2	47	4.9
1995			22	2.1	217	21.3	21	2.2	47	4.9
1996	1	0.1	31	3	190	18.4	9	0.9	41	4.2
1997			39	3.8	207	19.9	12	1.2	54	5.5

Source: Statistics Canada, Health Statistics Division

Table 24: Summary Total Child Tax Benefits Paid 1994/95 - 1996/97

	Average number of children (12 month period)	**Total number of families in a year**	**Total benefits claimed**	**Total benefits paid**
	000's			
1994/95	5640	3382	3049	5060
1995/96	5696	3318	3084	5149
1996/97	5687	3288	3082	5129

Table 25: Total Child Tax Benefits Paid 1994/95 - 1996/97

1994/95	Average number of children (12 month period)	Total number of families in a year	Total benefits claimed	Total benefits paid (000s)
Under $25,921	3049100	1623860	1696840	3337083
25,921-$30,000	250040	176750	140500	253438
$30,000-$40,000	620140	425810	340410	548343
$40,000-50,000	597760	400450	321390	419539
50,000-$60,000	525540	351910	278190	274812
$60,000-$70,000	345470	247920	173740	135875
$70,000-$80,000	138680	96710	58990	53514
$80,000-$90,000	61330	32690	22140	21152
$90,000-$100,000	29190	14640	9940	8780
$100,000 and over	23170	11630	7600	7959
Total	5640420	3382370	3049740	5060495

1995/96	Average number of children (12 month period)	Total number of families in a year	Total benefits claimed	Total benefits paid (000s)
Under $25,921	2364000	1421720	1340170	2903828
25,921-$30,000	868920	310970	202180	390796
$30,000-$40,000	877390	498160	478870	793169
$40,000-50,000	820720	460770	444270	556917
50,000-$60,000	715420	403680	386120	323088
$60,000-$70,000	360940	242210	173030	122621
$70,000-$80,000	108130	51310	36090	38900
$80,000-$90,000	55290	20620	17240	13507
$90,000-$100,000	15190	5760	4350	3775
$100,000 and over	10410	3340	2510	2729
Total	5696410	3318540	3084830	5149331

1996/97	**Average number of children** (12 month period)	**Total number of families in a year**	**Total benefits claimed**	**Total benefits paid** (000s)
Under $25,921	2345010	1388920	1328070	2882755
25,921-$30,000	365010	208140	200800	385883
$30,000-$40,000	871520	494590	477940	787697
$40,000-50,000	819770	460260	445850	556174
50,000-$60,000	721900	406440	390310	326877
$60,000-$70,000	370910	247980	177770	127519
$70,000-$80,000	112710	52470	37770	41394
$80,000-$90,000	56200	20760	17680	14164
$90,000-$100,000	15610	5780	4510	4237
$100,000 and over	9150	2850	2270	2595
Total	5687790	3288190	3082970	5129295

Table 26: Firearms Homicides[1], 1974 - 1996

Number, Rate (per 100,000 population) and Percentage of All Homicides

Year	All Homicides	Rate	Firearm Homicides	Rate	% of All Homicides
1974	600	2.62	283	1.24	47.2
1975	701	3.02	292	1.26	41.7
1976	668	2.84	258	1.1	38.6
1977	711	2.99	260	1.09	36.6
1978	661	2.75	250	1.04	37.8
1979	631	2.6	207	0.85	32.8
1980	593	2.41	195	0.79	32.9
1981	648	2.6	199	0.8	30.7
1982	688	2.65	248	0.98	37.1
1983	682	2.68	224	0.88	32.8
1984	667	2.6	228	0.89	34.2
1985	704	2.71	222	0.86	31.5
1986	569	2.17	175	0.67	30.8
1987	642	2.42	200	0.75	31.2
1988	575	2.14	169	0.63	29.4
1989	657	2.4	218	0.8	33.2
1990	660	2.37	196	0.71	29.7
1991	756	2.69	271	0.96	35.8
1992	732	2.56	247	0.87	33.7
1993	627	2.17	195	0.67	31
1994	596	2.04	196	0.67	32.9
1995	588	1.99	176	0.59	29.9
1996	633	2.11	211	0.7	33.3

Source: Statistics Canada: Homicide Survey (unpublished tables)

NOTE: (1) The data in this table are based on police reports. Another source of homicide data is the provincial death registrations as reported by coroners and doctors. Because coroners and doctors are normally more reluctant to classify a death as homicide than the police, the numbers for homicides in this table are, in most cases, higher than the numbers in Tables 14 and 15.

Table 27: Deaths from Firearms by Age

Age	Homicide	Suicide	Accident	Legal Intervention	Undetermined	Total	% Total
1994							
<1	0	0	0	0	0	0	0
1-4	0	0	1	0	0	1	0.1
5-9	3	0	2	0	0	5	0.4
10-14	3	13	3	0	0	19	1.6
15-19	11	81	1	0	2	95	7.9
Total	17	94	7	0	2	120	10
1995							
<1	0	0	0	0	0	0	0
1-4	1	0	0	0	0	1	0.1
5-9	4	0	1	0	0	5	0.4
10-14	3	2	7	0	0	12	1.1
15-19	6	73	5	0	3	87	7.7
Total	14	75	13	0	3	105	9.3
1996							
<1							
1-4							
5-9							
10-14							
15-19							

Source: Vital Statistics, Health Statistics Division, Statistics Canada. Categories refer to various ICD E-Codes: Accidents - E922; Suicides - E955 (excluding E955.5 - Explosives); Homicidal deaths - E965 (excluding E965.5 to E965.9 - Explosives; Legal Intervention - E970; Undetermined - E985 (excluding E985.5 - Explosives).